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THE
WORKS
OF
SIR WILLIAM JONES.

WITH
THE LIFE OF THE AUTHOR,
BY
LORD TEIGNMOUTH.

IN THIRTEEN VOLUMES.

VOLUME VII.

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CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, DECEMBER 4, 1783.

GENTLEMEN OF THE GRAND JURY,

IT might perhaps be sufficient, if my address to you this day were confined to some short remarks on those offences, of which the prisoners named in the calendar are accused ; but such is the particularity of my own situation, that I cannot help feeling an inclination to take a wider range. Six years have elapsed, since the seat, which I have now the honour to fill, became vacant ; and, in that interval, so many important events have happened in *India*, and so many interesting debates have been held in the parliament of *Britain*, on the powers and objects of this judicature, that I may naturally be expected to touch at least, though not to enlarge,

on those events, all of which I have attentively considered, and on the result of those debates, at most of which I was present. Such expectations, if such have been formed, I should be very loth to disappoint ; and, as I shall express my sentiments without reserve, you will hear them, I am confident, with perfect candour.

None of you, I hope, will suspect me of political zeal for any set of ministers in *England*, with which vice my mind has never been infected ; nor of political attachments here, which in my station it will ever behove me to disclaim, if, in the character of a magistrate appointed to preserve the public tranquillity, I congratulate you, who are assembled to inquire into all violations of it, on the happy prospect of a general peace in every part of the world, with which our country is connected. The certain fruits of this pacification will be the revival and extension of commerce in all the dependencies of *Britain*, the improvement of agriculture and manufactures, the encouragement of industry and civil virtues, by which her revenues will be restored, and her navy strengthened, her subjects enriched and herself exalted : but it is to *India*, that she looks for the most splendid as well as most substantial of those advantages ; nor can she be disappointed, as long as the supreme executive and judicial

powers shall concur in promoting the publick good, without danger of collision or diminution of each other's dignity ; without impediment, on the one side, to the operations of government, or, on the other, to the due administration of justice.

The institution, gentlemen, of this court appears to have been misapprehended : it was not, I firmly believe, intended as a censure on any individuals, who exist, or have existed. Legislative provisions have not the individual for their object, but the species ; and are not made for the convenience of the day, but for the regulation of ages. Whatever were the reasons for its first establishment, of which I may not be so perfectly apprized, I will venture to assure you, that it has been continued for one obvious reason ; that an extensive dominion, without a complete and independent judicature, would be a phenomenon, of which the history of the world affords no example. Justice must be administered with effect, or society cannot long subsist. It is a truth coeval with human nature, and not peculiar to any age or country, that power in the hands of men will sometimes be abused, and ought always, if possible, to be restrained ; but the restrictions of general laws imply no particular blame. How many precautions have from time to time been used to render judges and jurors impartial,

and to place them above dependence ! Yet none of us conceive ourselves disgraced by such precautions. The object then of the court, thus continued with ample powers, though wisely circumscribed in its jurisdiction, is plainly this : that, in every age, the *British* subjects resident in *India* be protected, yet governed, by *British* laws ; and that the natives of these important provinces be indulged in their own prejudices, civil and religious, and suffered to enjoy their own customs unmolested ; and why those great ends may not now be attained, consistently with the regular collection of the revenues and the supremacy of the executive government, I confess myself unable to discover.

Another thing has been, if not greatly misconceived, at least very imperfectly understood ; and no wonder, since it requires some professional habits to comprehend it fully : I mean the true character and office of judges appointed to administer those laws. The use of law, as a science, is to prevent mere discretionary power under the colour of equity ; and it is the duty of a judge to pronounce his decisions, not simply according to his own opinion of justice and right, but according to prescribed rules. It must be hoped, that his own reason generally approves those rules ; but it is the judgement of the law, not his own, which he delivers. Were judges

to decide by their bare opinions of right and wrong, opinions always unknown, often capricious, sometimes improperly biased, to what an arbitrary tribunal would men be subject ! In how dreadful a state of slavery would they live ! Let us be satisfied, gentlemen, with law, which all, who please, may understand, and not call for equity in its popular sense, which differs in different men, and must at best be dark and uncertain.

The end of criminal law, a most important branch of the great juridical system, is to prevent crimes by punishment, so that the pain of it, as a fine writer expresses himself, may be inflicted on a few, but the dread of it extended to all. In the administration of penal justice, a severe burden is removed from our minds by the assistance of juries ; and it is my ardent wish, that the court had the same relief in civil, especially commercial, causes ; for the decision of which there cannot be a nobler tribunal than a jury of experienced men assisted by the learning of a judge. These are my sentiments ; and I express them, not because they may be popular, but because I sincerely entertain them ; for I aspire to no popularity, and seek no praise, but that which may be given to a strict and conscientious discharge of duty, without predilection

or prejudice of any kind, and with a fixed resolution to pronounce on all occasions what I conceive to be the law, than which no individual must suppose himself wiser.

The mention of my duty, gentlemen, leads me naturally to the particular subject of my charge, from which I have not, I hope, unreasonably deviated: but you are too well apprized of your duty to need very particular instructions; and happily no higher offences (except one larceny) appear in the calendar than some criminal frauds and a few assaults: one of them, indeed, is stated as very atrocious, and, if you consider that the frequency of small crimes becomes a serious evil in society, you will not think the more trivial complaints unworthy of your attention. Redress of wrongs must be given, or it will be taken; and the law wisely forbids the slightest attack upon the person of a subject, lest far worse mischief should ensue from the sudden ebullition of rage, or the slower, but more dangerous, operation of revenge.

Your powers, however, are not limited to this calendar, or even to the bills which may be preferred; for, whatever else shall come to your knowledge, it will be your part to present, and ours to hear attentively: thus, by a cordial

concurrency in preserving the publick peace, and bringing such as violate it to punishment, we shall contribute, in our respective stations, to the security of this great settlement, and to the prosperity of these provinces, in which the dearest interests of our common parent and country, *Great Britain*, are now essentially involved.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, JUNE 10, 1785.

GENTLEMEN,

WHEN I first addressed a Grand Jury of *Calcutta*, too soon after my arrival in this country for any distinct idea to be formed of all its inhabitants, the small number of prisoners, which, to my infinite joy, appeared in the calendar, gave me an opportunity of speaking at large on the institution of this court, and the principles of criminal justice. It is my turn to address you at the opening of the present session; but I have not, unfortunately, the same reason to rejoice, nor the same excuse for expatiating on general topics: I may, nevertheless, without the impropriety of detaining you too long, touch on one or two subjects, which I have much at heart, and on which I cannot but flatter myself with a hope of your concurrence.

If I may justly, as I do sincerely, conclude from my own observation at former sessions, that the Grand Juries of this capital will deserve the praise of intelligence and moderation, vigilance and humanity, I must be persuaded, that you, Gentlemen, have little need of instruction in the discharge of your important duty, and I confidently leave with you the few persons, who are, I see, imprisoned under accusations of petty crimes ; nor is it either expedient or becoming to point at particular cases, of which I have no official knowledge.

One case, which has come regularly before me as a justice of the peace, concerning the death of a *slave girl*, whom her master had beaten, I think it my duty to mention more at large ; leaving to you the determination on facts from a view of all the circumstances, and declaring only my opinion of the law. A master may legally correct his servant with moderation, and with a view to his amendment ; nor, if the servant thus corrected should die by some misfortune unforeseen, and unlikely to happen, would the master be guilty of any crime ; but if the correction be immoderate, excessive, unreasonable, cruel, the party may have, if he live, a reparation in damages ; or, if he die, the master will be guilty of manslaughter or of murder, according to the circumstances ; of manslaughter, if he gave the

fatal blow in a sudden burst of passion, after violent provocation, with a weapon not likely to kill ; of murder, if he had full time for deliberation and coolness of blood ; and that, whether he intended to destroy life, or only to chastise immoderately ; for the true sense of *malice*, to constitute this *horrible* crime, is **MALIGNITY** of heart, or a *disposition to do mischief*, which may be ascertained by comparing the fault with the correction ; and the age and condition of the person stricken, with the force of the striker, and the danger of the instrument used by him. It is hardly needful to remark, that, in such cases, a servant and a *slave*, if such a relation be known to our modern law, stand precisely on the same ground ; as a lord, in feudal times, might indisputably have been convicted of murder for killing his villain or his neise.

In the present case, you will hear the witnesses on one side only ; and it is recommended by great lawyers, lest enormous crimes should be smothered without a trial, that Grand Juries find such bills, as their consciences oblige them to find at all, for the highest degree in the scale, that the evidence fairly supports, leaving it to the Petty Jury, under the direction of the Court, in questions of *law*, either to hold the prisoner guiltless, or to ascertain the precise measure of his guilt by their verdict ; but you are not absolutely

bound to follow this practice : you are bound to find the whole truth, as nearly as you can ; and if the evidence amount not, in your conscientious opinion, to murder, you may reject the bill for that crime, and find another for manslaughter ; nor ought it ever to be forgotten, that the great rule which all should observe, from the petty jurymen to the prince, is, to look on the crime and example with the eye of severity, but on the criminal, as far as possible, with the eye of compassion ; since it is the extremity of evil, says lord Bacon, “ When mercy has no commerce with misery : ” yet it must be added, that mercy is due to the publick, also, who may be great sufferers, if crimes actually committed escape unpunished.

Another case, Gentlemen, calls for your serious attention : a forgery has been committed, either by the person accused before me, or by his accuser ; which involves, not only the common guilt of that crime, *an intent to defraud another*, but also a design to *affect his personal rights* in the highest degree, and to abuse the process of this court by rendering it subservient to the purpose of imprisoning a man, who stood in the way of others ; and this attempt was to be forwarded by the basest subornation of perjury : it is a contest between two brothers for a large estate ; both the accused and his accuser

are *Bráhmans* of some rank, and have been active in opposite interests ; the low wretches, who forged the bond, have confessed their act, which was done, they say, at the instigation of the accused *Bráhman*; who denies any knowledge of their persons, and insists that his enemy must have engaged them to ruin him. Your sagacity may enable you to discover the truth ; but even in this case, you must temper justice with lenity, nor suffer yourselves to be influenced by the odiousness of the offence ; and in all cases of *forgery*, permit me to recommend indictments for the misdemeanour only ; since very strong arguments have been used, both at home and here, to prove that the rigour of our modern law in punishing that crime with death, cannot be legally extended to these provinces. I give no decided opinion yet on that point, nor on another, which may be started, whether, if the crime under consideration *be* a capital felony in *India*, an indictment will also lie as at common law, since it has been held that *a felony merges or absorbs a misdemeanour* ; but I am prepared to deliver my sentiments, and will deliver them fully, at a proper time.

I turn from these cases, with full confidence both in your justice and your benevolence, to a subject which has greatly moved me, and on which the Grand Jury last summer presented a strong address to the Court : I mean the condi-

tion of prisoners for debt in the jail of Calcutta. It is much to be lamented that no method has yet been devised by *Christian* nations to keep defendants within the reach of justice, but that of confinement in a common prison, where bad habits are generally learned, and good ones generally discontinued ; where a debtor, perhaps faultless, is with-holden from his occupations and from his family, whilst he remains miserable himself, and useless to the publick. I cannot help thinking, that a better mode might be adopted, with no considerable expence to the state or to individuals, especially if the debtors be workmen or artificers ; and imprisonment in this country, at this season, is to all a grievous calamity ; to many in every season from religious notions of a defilement, that reaches beyond the funeral pile, worse than instant death : but, until the wisdom, goodness, and power of the legislature, shall co-operate for this end, we can only hope to mitigate an evil which we cannot prevent. You may be assured that no pains will be spared by us in promoting the object of the address which I have mentioned, that whatever can be legally done by the Court, will not be omitted ; and that, where our authority is limited, we will apply to the executive government here, or, if necessary, to the fountain of all authority at home. It may, perhaps, be within your pro-

vince to see that affliction be not added to affliction, and that prisoners be not harassed by exorbitant demands : I would not intimate that any such are made by the present keeper of the jail, of whom I know no harm, and have heard a favourable character ; but following the spirit of a benevolent statute, now, I believe, expired, I earnestly exhort you to inquire, whether any kind of extortion has been committed, or any fees exacted beyond the moderate provision of the law ; that, if such enormity hath been practised, under the pretence of *custom*, the authors of it may be punished, and the sufferers by it relieved.

There is another subject which has made a deep impression on my mind, and you will, I trust, accompany, if not anticipate, my remarks on it : I mean the misery of *domestick bondage*, always afflicting enough in itself, and in this town often aggravated by the cruelty of masters. Permit me here to request, that you will not consider my observations on this head as relating to the death of the girl, for which *Osborne* is imprisoned ; but his act, whatever may be the guilt of it, must not preclude me from discoursing on other acts of the same nature, the consequences of which have not been so dreadful. It is needless to expatiate on the law (if it be law) of private slavery ; but I make no scruple to declare my own opinion, that *absolute unconditional*

slavery, by which one human creature becomes the *property* of another, like a horse or an ox, is happily unknown to the laws of *England*, and that no human law could give it a just sanction: yet, though I hate the word, the continuance of it, properly explained, can produce little mischief. I consider slaves as *servants under a contract*, express or implied, and made either by themselves, or by such persons, as are authorized by nature or law, to contract for them, until they attain a due age to cancel or confirm any compact that may be disadvantageous to them: I have *slaves*, whom I rescued from death or misery, but consider them as other *servants*, and shall certainly tell them so, when they are old enough to comprehend the difference of the terms. Slaves, then, if so we must call them, ought not to be treated more severely than servants by the year or by the month; and the correction of them should ever be proportioned to their offence: that it should never be wanton or unjust, all must agree. Nevertheless, I am assured, from evidence, which, though not all judicially taken, has the strongest operation on my belief, that the condition of slaves within our jurisdiction is beyond imagination deplorable; and that cruelties are daily practised on them, chiefly on those of the tenderest age and the weaker sex, which, if it would not give me

pain to repeat, and you to hear, yet, for the honour of human nature, I should forbear to particularize: if I except the *English* from this censure, it is not through partial affection to my own countrymen, but because my information relates chiefly to people of other nations, who likewise call themselves *Christians*. Hardly a man or a woman exists in a corner of this populous town, who hath not at least one slave child, either purchased at a trifling price, or saved perhaps from a death, that might have been fortunate, for a life, that seldom fails of being miserable: many of you, I presume, have seen large boats filled with such children coming down the river for open sale at *Calcutta*; nor can you be ignorant, that most of them were stolen from their parents, or bought, perhaps, for a measure of rice in a time of scarcity, and that the sale itself is a defiance of this government, by violating one of its positive orders, which was made some years ago, after a consultation of the most reputable *Hindus* in *Calcutta*, who condemned such a traffic, as repugnant to their *Sástra*. The number of small houses in which these victims are pent, makes it, indeed, very difficult for the settlement at large to be apprized of their condition; and if the sufferers knew where or how to complain, their very complaints may expose them to still harsher

treatment; to be tortured, if remanded, or, if set at liberty, to starve. Be not, however, discouraged by the difficulty of your inquiries: your vigilance cannot but surmount it; and one great example of a just punishment, not capital, will conduce more to the prevention of similar cruelties, than the strongest admonition or severest verbal reproof. Should the slaveholders, through hardness of heart or confidence in their places of concealment, persist in their crimes, you will convince them, that their punishment will certainly follow their offence, and the most hardened of them will, no doubt, discontinue the contest. Here, again, I may safely promise you, that, whatever the Court can do in terminating this evil, will cheerfully be done; and if our concurrent labour should yet be found ineffectual, I confidently persuade myself, that such regulations of government will be adopted on our recommendation, as cannot fail of insuring future protection to the injured, support to the weak, and some consolation at least to the wretched: but I once more adjure you to dismiss these observations from your mind, when you deliberate on the case of *homicide*, to consider them as pointed solely at acts of cruelty, which make life miserable without causing the loss of it, and to find such bills as you cannot avoid finding, ac-

according to the whole evidence before you, and to your opinion, after our directions, of the law resulting from it.

The last offence which I shall mention to you is so general, that it may affect every part of our proceedings in this Court, and so atrocious, that human nature, in which a sense of religion seems inherent, starts at the name of it; I mean *the wilful violation of solemn oaths*, without the sanction of which, neither our fame, our properties, our freedom, or our lives can be long secure. Nevertheless, I have many reasons to believe, and none to doubt, that affidavits of every imaginable fact may as easily be procured in the streets and markets of *Calcutta*, especially from the natives, as any other article of traffick. I need not exhort you in general to prevent perjured witnesses, and their suborners of every class or persuasion, but will detain you a few moments longer with a remark or two on such inhabitants of these provinces, as profess a belief in GOD, and in *Mohammed*, whom they call his prophet. All the learned lawyers of his religion, with whom I have conversed in different parts of *India*, have assured me with one voice, that an oath by a *Musliman* is not held *binding on his conscience*, unless it be taken *in the express name of the Almighty*, and that even then it is incomplete, unless the witness, after having

given his evidence, swear again *by the same awful name*, that he *has spoken* nothing but the truth. Nor is this abstruse or refined learning, but generally known to *Mohammedans* of every degree, who are fully apprized, that an *imprecation* on themselves and their families, even with the *Koran* on their heads, is in fact no oath at all; and that, if, having sworn that they *will* speak truth, they still utter falsehoods, they can expiate their offence by certain religious austerities; but that, if they forswear themselves in regard to evidence *already given*, they cannot, except by the divine mercy, escape misery in this world and in the next: it were to be wished, that the power of absolution, assumed by the *Romish* priesthood, were at least equally limited. My inquiries into the *Hindu* laws have not yet enabled me to give perfect information on the subject of *oaths* by the believers in *Brehmà*; but the first of their law-books, both in antiquity and authority, has been translated into *Persian* at my request; and thence I learn, that the mode of taking evidence from *Hindus* depends on *the distinction of their casts*, but that the punishment of false evidence extends rigorously to all, whether an oath be administered or not; and many *Bráhmans*, as well as other *Hindus* of rank, would rather perish than submit to the ceremony of touching the leaf of the *Tulasi*, and the

water of the *Ganges*, which their *Sástras* either do not mention at all, or confine to petty causes. It is ordained in the book of *Menu*, that a witness shall turn his face to the east or to the north; and, as this rule, whatever may have given rise to it, is very ancient, a revival of it may have no inconsiderable effect: according to the same legislator, ‘ a *Bráhma*n must be sworn by his credit, a *Cshatri* by his arms, a *Vaisya* by his grain, cattle and gold, and a *Sudra* by every crime that can be committed;’ but the brevity of this text has made it obscure, and open to different interpretations. The subject is, therefore, difficult for want of accurate information, which, it is hoped, may in due time be procured, and made as publick as possible. In general I observe, that the *Hindu* writers have exalted ideas of criminal justice, and, in their figurative style, introduce the *person of Punishment* with great sublimity: ‘ Punishment,’ say they, ‘ with a black complexion and a red eye, inspires terror, but alarms the guilty only; Punishment guards those who sleep, nourishes the people, secures the state from calamity, and produces the happiest consequences in a country, where it is justly inflicted; where unjustly, the magistrate cannot escape censure, nor the nation, adversity.’

Be it our care, Gentlemen, to avoid by all

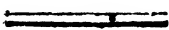
means the flightest imputation of injustice among those, whom it is the lot of *Britain* to rule; and, by giving them personal security, with every reasonable indulgence to their harmless prejudices, to conciliate their affection, while we promote their industry, so as to render our dominion over them a national benefit: and may our beloved country in all its dependencies enjoy the greatest of national blessings, *good laws duly administered in settled peace!* for neither can the best laws avail without a due administration of them, nor could they be dispensed with effect, if the fears and passions of men were engaged by the vicissitudes of war, or the agitation of civil discontents.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, JUNE 10, 1787.



GENTLEMEN OF THE GRAND JURY,

I SHOULD exceed the bounds of my duty, and detain you too long from the discharge of yours, if I were to expatiate on the great variety of business, in which your diligent exertions at the present session may be highly beneficial to the settlement; and, indeed, whilst I hold in my hand this terrible catalogue of grievous offences, which must come under your consideration, I have ample materials for my address to you, without enlarging on such cases, as may probably be brought before you, but have not yet been made the subject of complaint before a magistrate.

The first crime, which appears in the calendar, and of which three persons are now accused, (the same number having been indicted last ses-

sion) is the most atrocious, that man, as a rational creature and a member of civil society, can commit, Murder; but I will spare your feelings as well as my own the pain of dwelling on one of the cases, which you will hear but too soon; a case, so horrible, that, if it be true, scarce any punishment of the offender would be too severe, and, if false, the perjured accusers deserve the utmost severity of our law; which, in regard to perjuries affecting life, is, in my opinion, too lenient. Another foul murder has been committed near *Patna*, with every aggravation of the crime both in the motive and the manner of it: but there is no *direct* evidence against the supposed murderer. The woman, who will repeat her sad story to you, actually saw her husband, a native peasant, stabbed by one soldier, while two held him; (and how highly it imports the honour of our government, that the natives be protected from the outrages of our soldiery, must be obvious to all) but the night was too dark for her to distinguish their faces. Circumstances only have induced a suspicion, that LA COSSE was the perpetrator of the crime; and they, it is true, may be fallacious; but, when many circumstances concur, they sometimes amount to proof at least as strong as the testimony of witnesses: that the prisoner escaped from the guard, who were bringing him to the presidency, he

excused, on his examination, by alledging a natural love of liberty, which, he urged, was perfectly consistent with innocence; but, unless you believe him innocent, it seems the province of a petit jury to determine, whether all the concurrent circumstances indubitably prove him guilty. I proceed to offences far less dreadful in themselves, but almost equally deserving of your serious attention; for if any thing ought particularly to affect our minds, and make us all extremely circumspect in our passage through life, it is the alarming consideration, that not only the more violent emotions of anger and hate, but even unguarded and idle words, have a tendency toward bloodshed, and not unfrequently end in it. If this be the case with men of understanding and education, what must be expected from the uncontrolled passions, unimproved intellects, and habitual vices of the low multitude? For this reason principally I never think lightly of the *petty complaints*, as they are called, which are brought before me: I know, that wrath and malice will have a vent; that they are better spent in a court of justice than in black and silent revenge; and that, if such serpents be not crushed in the egg, there can be no security against the mortal effects of their venom. You will attend, therefore, I am confident, even to *common* assaults; (for I need

not mention such as were made with any criminal design) and consider no breach of the peace as trivial, the consequence of which may, possibly at least, be the shedding of human blood. This reasoning leads me to a subject of the highest importance to every community; and particularly (for many weighty reasons) to the inhabitants of this populous town: I mean those offences against good morals and good order, which spring from the dissolute manners of the populace, and branch out into all the disorders and evils, that can affect the comfort of social beings. *Excessive luxury*, with which the *Asiatics* are too indiscriminately reproached in *Europe*, exists indeed in our settlements, but not where it is usually supposed; not in the higher, but in the lowest, condition of men; in our servants, in the common seamen frequenting our port, in the petty workmen and shopkeepers of our streets and markets: there live the men, who, to use the phrase of an old statute, *sleep by day and wake at night* for the purposes of gaming, debauchery, and intoxication. The inebriating liquors, which are extracted from common trees, and the stupifying drugs, which are easily procured from the fields and thickets, afford so cheap a gratification, that the lowest of mankind purchase openly, with a small part of

their daily gains, enough of both to incapacitate them by degrees for any thing that is good, and render them capable of any thing that is evil; and excess in swallowing these poisons is so general, that, if the state had really been lighted up at the higher extremity, as it certainly is at the lower, it must inevitably have been consumed. The mischiefs, which this depravity occasions, it is needless to enumerate; but, until some ordinance can be framed, which shall be just in itself and conformable to the spirit of our laws (both which qualities ought to characterize every regulation in the *British* empire) the publick has no hope of security, gentlemen, but from your vigilance. Disorderly houses, and places of resort for drinking and gaming, are indictable as publick nuisances; and, though it would be the work of many sessions to eradicate the evil, yet a few examples of just punishment would have a salutary effect. You are too sensible, I am sure, of the advantages arising from a trial by jury in criminal cases, to wish for a power in any hands of *summary conviction*, which the legislature has not yet given, and which it always gives with reluctance; and I persuade myself, that the gentlemen of this settlement are too publick-spirited to decline the trouble, which may attend the execution of any useful law,

whether it be necessary to prosecute offenders by indictment, or to levy small penalties by action in the Court of Requests.

Since I have mentioned *gaming*, I must add, that it is a vice produced by laziness and avarice, and leading to distress, which aggravates, instead of palliating, the offences frequently committed in consequence of it. The most common of those offences, among the lowest of the people, are *theft* and *robbery*; and, if it be true, as it was sworn before me, though not by a man who seemed worthy of much credit, that even the watch-houses in this town are the haunts of unrestrained and encouraged gamblers, we can expect little benefit from watchmen who thus discharge their important duties. In fact, if we had a well-ordered watch and ward in *Calcutta* (and that we have not, is become a constant subject of animadversion among the natives of higher rank) we should not have heard of robberies committed by ruffians masked and armed, such as a few months ago attacked a *Greek* merchant in his house, without ever being apprehended; nor of the *burglaries* committed by abandoned vagabonds and night-walkers, who pass through the usual stages of profligacy, from idleness and vice to poverty, and from poverty to a resolution of invading the property of the honest; after which, if they are unpunished, they pro-

ceed from crime to crime till they close their career in blood.

Having spoken of the little credit, which I gave to the oath of a low native, I cannot refrain from touching upon the frequency of perjury; which seems to be committed by the meanest and encouraged by some of the better sort, among the *Hindus* and *Muselmans*, with as little remorse as if it were a proof of ingenuity, or even a merit, instead of being, by their own express laws, as grievous a crime as man is capable of committing. I cannot name this offence without emotion; for (besides its natural enormity) it renders the discharge of our publick duty both difficult and painful in the highest degree: it is not in causes, where *Hindus* or *Muselmans* give evidence, that a fact is proved, because it is sworn, and we are compelled to take a greater latitude in judging by probability and a comparison of circumstances, than the strictness of *English* judicature in general allows. With respect to the *Muselmans*, we can establish no stronger sanction than the oath now administered; but, as to the *Hindus*, I cannot relinquish my opinion, that the most solemn possible form ought to be adopted, either by ordering all the witnesses, who are to give evidence, to be previously sworn by the *Bráhma*n, our officer, in one of their own temples, or by swearing them

in court before consecrated *fire* brought from some altar of acknowledged holiness. The charter requires *the most binding form*, and we know from our own *Bráhma*n, that the present form is *not* the *most binding* ; so that a doubt might be raised even on the legality of an indictment for violating an oath so taken. Until some change can be made (and change even from wrong to right has always its inconvenience) we must not forget to remind all *Hindu* witnesses from time to time, that false evidence even by their own *Shástra's*, is the most heinous of crimes, and to adjure them by the name of GOD, (as a learned *Bráhma*n at *Nedíya* assured me we were empowered to do, without shocking their prejudices) to speak the whole truth and nothing but the truth : but such, after all, is the corrupt state even of their erroneous religion, that, if the *most binding* form on the consciences of good men could be known and established, there would be few consciences to be bound by it ; and, without exemplary punishments of actual perjury, subornation of it, and attempts to suborn, we shall never be able to administer justice among them with complete satisfaction. It has been urged, with specious good nature, “ that punishments lose their effect by a
“ frequent infliction of them ; that pain becomes
“ familiar to the evil hearted ; that every villain
“ indulges a hope of suffering in company ; and

“ that it is dangerous for the community to know, how few honest men are among them :” but this is the language rather of benevolent speculation, than of attentive observation and experience ; for, as long as men exist in a state, who, without fearing GOD, fear the law, and without horror of a crime, tremble at the thought of punishment, so long it is necessary, that all crimes clearly proved be certainly and strictly punished ; while few, it must be hoped, will suffer, and all will be warned. Could any thing induce me to wish, that you, gentlemen, were detained here from your other business longer than a week, it would be a desire of bringing to *immediate* pain and disgrace, such witnesses as may perjure themselves during the remainder of the session.

That you sit only twice a year is also (if you will allow me to speak openly) an evil which I frequently lament ; since the necessity of keeping accused persons within the reach of justice obliges us to confine in prison those who are charged with offences not bailable, or who are unable to find sufficient bail ; so that, if a charge is made soon after the end of your sitting, the accused must remain six months in custody ; although it may afterwards be proved, that the accusation was suggested by malice and supported by perjury. Such cases, we must hope, very seldom

occur ; but so long an imprisonment, before conviction or even indictment, is not conformable to the benignity of our law : and permit me to request, that if any complaints be made to you of exactions or cruelty in the jailor and his servants, or of their loading prisoners with irons, except where there is imminent danger of an escape, especially if it be done with a view to extort money, you will pay a serious attention to the evidence adduced ; so that our nation may never be justly reproached for inhumanity ; nor the severest of misfortunes, loss of liberty, be heightened under our government by any additional hardship without redress.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, DEC. 4, 1783.

GENTLEMEN,

IF the unremitted vigilance of magistrates, the diligent attention of jurors, the approved excellence of our criminal laws, and the due infliction of adequate punishments, could prevent the commission of crimes in this great and increasing capital, I should not hold in my hand so long a catalogue of terrible offences, which are believed to have been committed within the last six months by persons under our jurisdiction; offences, which comprize nearly all, that *can* be committed against the publick *justice, tranquillity, convenience, and trade*, or against the *persons, houses and property* of individuals, in protecting which the publick is essentially interested. To discourse at large on each of those heads, as they occur to

me on inspecting the calendar, would certainly be superfluous; but it would ill become me to pass them over in silence; for the principles of our criminal jurisprudence, and the cases, in which they are applied, may not be fresh in your memories; and it cannot be reasonably expected, that you should study, as lawyers, the reports and treatises, however excellent, of KELYNG and HALE, FOSTER and BLACKSTONE, or the voluminous works, however accurate, of modern compilers: I will take, therefore, a middle course, and confine myself to short observations on those crimes only, of which the prisoners are specifically accused, so as to assist your recollection, and guide your judgement in finding or rejecting the several bills, that will, I know, be presented to you.

It gives me, in the first place, inexpressible pain, to see no fewer than *four* persons charged with so abominable an offence as corrupt *perjury*, or the *subornation* of it; and one of them, I observe with horror, is an *Armenian* by birth, and, in name, at least, a *Christian*: now, if all laws, human and divine, if all religions, the many false and the one true, be thus openly defied, we must abandon all hope of administering justice perfectly; and, as much as I blame severe corporal punishments, especially those which mutilate the offender's body, I must recommend a

degree of severity, if the wickedness of man cannot be otherwise restrained. The cruel mutilations, practised by the native powers, are not only shocking to humanity, but wholly inconsistent with the mildness of our system; nor do they conduce even to the end proposed by them; since it is the *certainty*, not the *cruelty*, of punishment, that can operate on the fears of those, who fear nothing else: the old *Hindu* courts, from a fanciful notion of punishing the offending part, and depriving it of power to offend any more, would have cut out the *tongue* of a perjured man and amputated the *hand* of a thief or a forger; while the *Mohammedan* punishments, inflicted at this day in the *Asiatick* dominions of *Britain*, are not less horrid, but have less appearance of reason. Happily we can see no such horrors in *Calcutta*; but, as our house of correction, either through neglect or through want of laborious employment, would, I fear, be a house of laziness, as transportation is out of the question, and as the pillory alone would hardly be thought shameful to those, who have no sense of shame, it will be advisable to indict perjured men on the statute of ELIZABETH; since, besides imprisonment for six months, it inflicts, on default of paying a considerable fine, the punishment of having *both ears nailed to the pillory*, which, though painful at the time and perpe-

tually ignominious, neither cruelly mangles the human frame, nor deprives the offender, should he repent and be industrious, of gaining a subsistence by honest labour. Such indictments will be the less exceptionable, because, if any case should happen to be out of the statute, there may be a conviction, I presume, and consequently a sentence, as at common law.

Whatever be the cause, I cannot but believe, since it has been sworn before me by an *Englishman*, who demanded security for the peace, that there are streets in this populous town, and one especially near the *Faujdâr's* house, through which it is extremely perilous for quiet men to pass after sunset: they are inhabited, I am told, by low *European* tavern-keepers of all nations, and one of them, STEFANO an *Italian*, will be accused before you of a violent assault in his own tavern, of which the probable consequence might have been the death of an unoffending man. By the common law, which is always clearer and generally wiser than any statute, the keepers of taverns, who permit frequent disorders in them, or harbour persons of bad repute, may be indicted and fined as for a *common nuisance*, and open gaming-houses are equally offensive in the eye of law, as the haunts of profligate miscreants and a temptation to pernicious vices; yet both are now so numerous, that a peaceable native can

hardly sleep without disturbance from brawls or affrays, and dread of nocturnal robberies. Venerable fathers of families have lately complained to me with extreme anguish, that their sons had been ruined in those seminaries of wickedness; yet so relaxed are the principles even of the richer natives, that actions have been brought by an opulent *Hindu* for money advanced solely to support a common gaming-house, in the profits of which he had a considerable share; and the transaction was avowed by him with as much confidence, as if it had been perfectly justifiable by our laws and by his own. From whatever cause those disorders proceed, whether from illicit gains accruing to unauthorized licensers and protectors, or from wilful negligence in the low servants of those, who are intrusted with the office of high constables, they are destructive of individuals, injurious to the publick, and deserving of your serious investigation.

Cheats, of which two or three appear next in the calendar, are usually reckoned offences against *publick trade*: to this head are also referred those deceitful practices and artful contrivances, by which even a wary individual may be defrauded of his money or goods; but you will consider some kind of artifice or device as essential to the criminality of a fraud; since a

mere palpable falsehood, which no man of ordinary understanding would implicitly believe, and an imposition by means of it, which any man of ordinary prudence would have avoided, seems no crime against the publick, who cannot feel themselves injured, because a fool happens to suffer by his folly. There is an offence, which most seriously affects the trade of the community, and which the common law punished for that reason with fine and imprisonment; I mean that of buying the *whole* of any commodity *with a design to raise the price of it at the pleasure of the buyer*; since, if that were allowed, the price of commodities would entirely depend on the discretion of one or two wealthy individuals: it appears from an ancient record, that so base a *design* is equally punishable, whether any of the commodity engrossed be actually resold, or not; and a combination of several rich men with so bad a view would, I doubt not, be held a misdemeanour injurious to *publick trade*. Reason applies this principle to the engrossing of *rice* and other *grain*; but good policy forbids the application of it in practice, especially in these *Indian* provinces; for if, in the time of a mere dearth, such engrossers were punished and their hoards dissipated, no resource would ordinarily be left against future calamity, and a second bad season might cause all the horrors of a

famine : but *coined silver* is a commodity of a less delicate nature ; and, though the actual quantity of it in *Calcutta* may have been reduced by various causes, yet there is just ground for a suspicion, that the artifices of several combined and wealthy *Sarràfs*, or money-changers, have raised the discount, on the exchange of *gold mohrs* for silver, to so enormous a degree as to affect all commercial transactions in *Bengal*. Now, though it be difficult to give positive proof of such *intentions* and *combinations*, yet, if legal evidence of them be fairly obtained, the dread of imprisonment would operate more forcibly on the monied natives, especially the *Hindus*, than the fear of a pecuniary mulct or of publick censure.

On the rules of law concerning *homicide*, we have unhappily had frequent occasions to deliver our concurrent opinions ; but, a fatal error seeming still to prevail, that *an actual intention to kill* is essential to the crime of *murder*, I will recapitulate in few words the doctrine, on which I formerly enlarged. When you have certain evidence, that the person, who is said to have been killed, is *really dead* (for that fact should in the first place be incontrovertibly proved) you will consider, whether any *act* of the person accused was either the *cause*, or the *occasion*, of the death ; next, whether it was a *lawful*, or an un-

lawful, act, and, if legal in itself, whether it was *reasonable* and *moderate*, or *violent* and *cruel*; if *illegal*, whether it was done in a sudden burst of passion *and* with a weapon unlikely to destroy life, or *coolly and with apparent malignity of disposition*; for, in that case, if death ensue by an act, of which it might, though *not actually intended*, be the *probable consequence*, the offence will certainly be *murder*; the essence of which is not merely a *design to kill*, but a *depraved and malignant heart* evinced by the coolness of the deed, or the danger of the instrument used, or any other circumstances, by which *malice* may plainly appear: you will too soon be called upon to apply these principles in a variety of cases; and it surely imports our honour as a great nation, and becomes our character as just men, that whoever deprives another of life should be openly tried, and either acquitted or condemned by those laws, from which he would have sought protection, if he had himself been injured.

Several natives have been committed for *burglarious entries* accompanied, in most instances, with actual *theft*; and, since the petit jury may in those cases convict of the *larciny* alone, if the proof of a *burglarious* act be deficient or doubtful, it will be right, as in cases of homicide, to find

your bills for the *capital* felony, when the evidence before you shall fairly support the charge ; but on *simple* burglary, that is, when the felonious intent has not been executed, I must offer a few short observations. There are five ingredients in this offence, according to the five parts of its well-known definition, and relating to the circumstances of *time*, *place*, *breaking*, *entry*, and *intent* : the time must be *night* ; the place, a *dwelling-house*, or *parcel* of it ; the *breaking*, either with some degree of *force*, or by *special implication* ; the entry, with *part of the body* at least, or with an *instrument* used by it ; and the intent, to commit a *felony*. In respect of time and intent the law is *very strict* ; rather less strict as to the place ; and *still less*, it should seem, as to the breaking and entry : now, in the case of HERI and SANCAR (whose crime, if they really be guilty, was highly aggravated by the gross violation of their duty as publick watchmen) you will probably have no doubt in regard to the *time* and *place*, and very little as to their *intent*, if you believe that they had rubbed their faces and bodies with white powder to look like *Europeans* ; but, as to the *breaking* and *entry*, there are some doubts, which nothing but full evidence can remove. They were caught, it has been sworn, on the *terrace* of a

detached house inhabited by a *Hindu*, and built in the fashion of *Bengal*; and it is now believed, that they *began* with climbing into a small room, or recess, communicating with a private apartment, and used for the purposes of a water-closet in a *London*-house, but enclosed by a breastwork of bricks, and open at the top, the nature of the place in this climate not admitting, without extreme inconvenience and even danger to the family, of such a covering as would exclude fresh air: the cornice over the door of the apartment was broken, together with part of the wall, either by accident in laying hold of it, or by design to facilitate the ascent on the terrace, which was itself enclosed by a balustrade. Although a terrace on a housetop, in the warm regions of *Asia*, has been immemorially considered as an apartment of the house both for conversation in the evening and for slumber at night; although, like a varanda surrounded by rails or parapets, it is as much enclosed as the nature and design of it will allow; and although a nocturnal invasion either of a terrace or a varanda, in a country where doors and windows must be left open night and day, would occasion terror and generally be punished with instant death, if the assailed were better armed than the assailant; yet, in favour of life, it may forcibly

be urged, that the penal law of *England* ought not to be extended, by mere argument and analogy, to varandas and terraces; but whether the *place*, which has been described, was actually a room in the house, and whether the prisoners broke and entered it with a felonious intent, will best be determined by the petit jury; while the court will consider, whether an *entry* by night into such a place and with such a design be not as burglarious in the eye of our law as a mere descent by a chimney in *England*. As to the defence of the two watchmen, that they were only discharging their duty, instead of violating it, the law will never suffer itself to be insulted by such pretences; and, if it be proved, that VISHNURAM, (who attempted by the authority of the Company's badge to procure the release of his son-in-law and the associate, and even gave reason by his menaces to believe, that he meant to rescue them), *knew of the felonious design*, you will consider him as an accessory *after* the fact; or, as a *principal* in it, if he was constructively *present* by keeping guard near the house, while they broke and entered it. On this occasion I impute no blame to the two gentlemen, who act as high constables in *Calcutta*, except that they do not seem to have taken, as they certainly should have done, from the low natives, whom

they employ, sufficient security for their good behaviour and for the faithful discharge of their duty.

The *Armenian*, whom I mentioned under the head of perjury, being also charged with having *forged* the bond, to the due execution of which he positively swore after strong and repeated warnings by an interpreter of his own nation, the great question again rises, “ Whether the modern statute, which makes forgery capital, extend, or not, to these *Indian* territories.” On the fullest consideration, I think the negative supported by stronger reasons than the affirmative: the statute in question seems to have been made on the spur of the time; its principal object was to support the paper-credit of *England*, which had just before been affected by forgeries of bank-notes; and it contains expressions, which seem to indicate a local operation; the punishment, which it inflicts, goes beyond the law of nature, and the *British* laws appear to have been introduced into *India* by a charter preceding the statute, so far at least as to bring this country within the general rule. Nevertheless, I still think the question debatable: I see it, as I lately told the senior judge, who agrees with me, rather with the light of the rising, than with that of the meridian, sun; and the learned argument of

the judge, who differs from us, has rendered the point sufficiently doubtful, to make me wish for a decision of it by the highest authority at the fountain-head of justice: yet the reasons urged on the opposite side so far turn the scale, as to justify me in recommending an indictment on the statute of ELIZABETH, especially as a conviction on the modern statute would not at present be followed by execution; and if the person convicted should submit to a long imprisonment rather than exercise the power, which would be given him, of appealing to the king in council, it might end in his escaping any punishment, or in his being punished capitally at so distant a time, that the offence might be forgotten by the publick, and the great object of all penal statutes wholly frustrated.

Whenever it shall be my turn to address you, gentlemen, I will never desist from recommending to your serious attention the state of the gaol; the condition of the prisoners; the conduct of the gaoler and his servants. The facility of escaping from it has, I presume, since your memorial to the government on that subject, been wholly or nearly removed; but, even if the construction of the prison should render escapes easy, that would be a reason for the

sheriff and his officers to increase their vigilance in proportion to its necessity, instead of abating their diligence by violating positive law: now I hold it a violation of positive law to hamper any prisoners with irons before conviction, unless they behave in an unruly manner, or by some attempt or overt act induce a just suspicion of their intention to escape; nor ought any discretionary power to be left to such persons, as must have the care of gaols, who are always men without education, and might easily be tempted to set a price on light fetters, or on a total exemption from them.

I conclude with observing, that, as three or four magistrates cannot possibly secure the peace of this important capital, so it is morally impossible, that all the petty offences committed in it from day to day can be legally and speedily punished, with due terror to other offenders, while two sessions only are holden in each year; and with expressing my firm persuasion, that, if any legislative provision should increase your trouble as grand jury-men, and that of the gentlemen, who serve on petit juries, you will all remember, that a degree of trouble is the price, which we pay for our common liberty; and that our common liberty, for which no price would

be dear, will then only fall, when our constitutional mode of trial shall be superseded by summary jurisdictions, but will totter, when *Englishmen* of education and property shall cease, through their love of ease, to show by their personal exertions a warm alacrity for the support of it.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, JUNE 10, 1790.



GENTLEMEN,

I CANNOT have the pleasure, which I expected, of informing you, that few prisoners are named in the calendar : fewer, indeed, appear in it, than we have lately seen at our sessions; and among the offences with which they are charged, I perceive none, that seem to call for particular notice ; none, that can here prove capital, except a case or two of felonious homicide and three or four of burglarious entries, on which I shall incidentally touch ; and there certainly are none, on the nature and degrees of which you have not, on former occasions, received ample instruction from charges delivered by my brethren or by myself. It might therefore seem, that no materials occur for a charge at the

opening of the present session, and that it might be sufficient to dismiss you, with declaring my perfect confidence in your vigilant attention to the whole extent of your duty ; but, since it has been usual to detain you a short time with the formal discourse, I take this opportunity of doing that, which has not, I believe, been anywhere done in any discourse either spoken or written, and which you will find, I am persuaded, neither useless nor unacceptable : having no dislike to novelty, when utility accompanies it, I propose to give you a concise, but, as far as I am able, a perspicuous, comment on the general form of the Oath, which you have taken, and on every material word, which occurs in it ; nor will you imagine, that it is too clear to need illustration, when I assure you, that I did not myself understand it entirely, till I had very attentively read and very fully considered it ; and that parts of it have appeared ambiguous to grand juries themselves, I know from the questions which have occasionally been put by them to the court, and often privately to me by some of them, who were my intimate friends. You will not hear from me any common topicks on the sanction of oaths, which to men of education and principle would be needless and unbecoming ; nor any display of antiquarian literature, which would here be idly ostentatious ; nor

any subtil and abstruse doctrines, which my subject will by no means require ; nor any exhortation to the conscientious discharge of your office, which would, I know, be superfluous: it has truly, indeed, been said, that “ He, who
“ admonishes another to do that which the other
“ actually does, rather commends than exhorts,
“ and only conveys applause in the form of an
“ admonition ;” but I wish to avoid addressing you personally: I shall speak to you as to a grand inquest in the abstract, and offer such rules as may be applied to practice by all, who shall at any time serve their country in the character, which you now sustain. It is not as a casuist, a metaphysician, or an antiquary, but as a lawyer merely, that I shall explain the true sense of your oath, at least as I understand it ; and I begin with a ruling principle, universally admitted, which you may consider as a key to the whole form, and which to some parts of it will be clearly and forcibly applied.

The intention of that power, which imposes an oath, is the sole interpreter of its meaning, the guide of those, who take it, and the measure of their duty. Now, since your oath is imposed by the law, the intent of the law must be the pole-star, by which you are to direct your course. Your obligation in conscience depends, it is true, on your sincere opinion of that intent;

but, since the intention of the law is frequently so deep as to elude a superficial view, you are bound in conscience to examine it minutely, and to seek assistance from those, whose office it is to discover and to declare it. From the imperfection of all human things, it is not always possible to avoid ambiguity of language; and the intention of the law may sometimes be larger, sometimes narrower, than the verbal expression. Of an intention more extensive than the words I will give you one strong example: we take a prescribed oath, as judges, that “we will to the
“ best of our knowledge, skill, and judgment,
“ *duly* and *justly* execute our offices, and *impar-*
“ *tially administer justice* in every cause, matter,
“ or thing, which shall come before us.” To act *duly*, *justly*, and *impartially* seems no more than what is required of Arbitrators, and might be thought consistent with judgments given according to our own opinions of what is just and right, or, in other words, according to our honest discretion; the very mode of judging, which, from a wise distrust of human integrity, it is the chief use of established law to preclude; and, since the constitutional, or publick, law, of which we know the intent, was the imposer of our oath, we interpret it conformably to that intent, and hold ourselves bound, on questions of *fact*, to give *true judgments according to the evidence*, and,

on questions merely *legal*, to decide *according to law*; even though, as men, we may in particular cases think the law too austere or too narrow, and may wish it changed by the only power that can change it; for we are to declare the law, not to make it. That the intent may not be less extensive than the popular sense of the words used, we shall see in your oath, when we come to the application of this introductory maxim.

Your oath, as you may have observed, is a single period consisting of four members or divisions; and it is a *period* correctly so called, or in the form, as it were, of a *circle*; the awful phrase at the conclusion being manifestly connected in sense with the beginning of it: “So
“ may GOD help you, as you shall duly perform
“ the promises, which you call on him to attest,
“ and which are distinctly enumerated.” The phrase, which makes the whole period *conditional* (for it is not *imperative*, as the first words of each division might seem to imply) is placed at the end, for the purpose of your kissing the gospel, as soon as the name of GOD has been pronounced, and thus making the whole oath your own, though it has only been read to you by the officer. I called it an awful phrase, because, though in form it invokes the supreme being as a defender, yet by implication it addresses Him as an avenger; and, though it openly expresses

a benediction, yet it virtually implies an imprecation; the expression could not be full, without raising too violent and too painful an image; and silence, on this occasion as on many others, is more sublime than the strongest eloquence. The period thus connected has this apparent meaning: “ May the divine aid be granted to you, if the promises now made be performed; “ and withdrawn, if they be violated!” than which a sublimer idea could not enter the mind of man; since it is a clear deduction of reason, that the bare suspension of the divine energy but for a moment would cause the instantaneous dissolution of all worlds, and the tumultuous extinction of all, who inhabit them. You will readily believe, that I disclaim all idea even of the possibility, that you should knowingly violate such promises; but (lest any part of my subject should pass unnoticed) it is proper to observe, that a distinction has been taken in the secular or external forum, which the internal, or that of conscience, could never have made, between an oath, which is *assertive*, and relates to some fact, past or present, and an oath, which is *promissory*, and relates to some future act. A narrowness, perhaps, in the old definition of perjury gave rise to the opinion, that it can only be committed in a legal sense by a false denial or by a false assertion; but it must surely

appear strange, that, when half the business of our civil courts consists in enforcing the performance of promises or giving damages for the breach of them, our criminal courts should think it less than perjury to violate in any case, either by word or deed, a promise confirmed by the strongest and holiest of sanctions: reason surely dictates, that perjury may be committed both *in* the act of swearing by a false assertion, and *after* the act by wilfully violating *in any respect* an oath previously taken; and the consciences of men ought not to be ensnared by subtil distinctions without any substantial difference. On this point, however, I need not insist; and I only mentioned it, because it applies to the principal verbs in the four divisions of your oath, on which I now proceed to enlarge.

The first condition is, that “you shall diligently inquire, and make true presentment, of all such matters and things, as shall here be given you in charge, or otherwise come to your knowledge touching this present service.”

Inquiry, or search and examination, is a word completely understood in its popular sense; but it is here used with technical propriety, since you are called *inquirors* by some old writers, and the grand *inquest* by many of the moderns; and in this sentence the use of it is the more proper, because it not only comprehends the *examina-*

tion of witnesses on bills presented to you by third persons, but also the *investigation* of those matters, which may have attracted your notice without the intervention of prosecutors, and which you may yourselves present to the court, after bills have been prepared at your request. With a similar design of including both modes, the word *presentment* (as the result of your *inquiry*) immediately follows; since that word, which is very comprehensive, extends to *indictments* by private individuals in the name of the king, and to those, which are commonly distinguished as *presentments* by the grand jury.

What the law understands by *true*, we shall presently see, when we come to the fourth and last member of the period; but it is of great importance to explain the legal meaning of *diligence*; and I am clearly of opinion, that it means in your case, the same degree of care and industry, that each of you would severally apply to his own temporal affairs, or all of you collectively to such worldly interests as might jointly concern you. I assume with confidence, that all subjects of the same dominion are engaged to one another by an *implied contract*; a principle equally clear and useful, and leading to conclusions of the highest moment in morality and politicks. Some writers on ethicks, who have been taught, that popular principles are not the way

to preferment, deny it ; and, after deriding the notion of a contract *without a name*, challenge us to produce a well-known forensick name for the *social contract* ; but not to urge, that many valid and useful contracts are *innominate*, the very name, which they call for, is comprized in the epithet, which they use : it is the contract of *society* or *partnership*, differing only in extent, but not in kind, from the civil and private association universally known and practised. Now, since a partner both receives and confers a benefit, such *diligence* is required of Him, as he would use in his own concerns, and the same diligence is demanded of you for a similar reason ; not less, because you are benefited by the laws of your country, under which you act, and natural equity prescribes, that every benefit should have an adequate return ; not more, because, at the same time, you confer a benefit, and natural equity forbids, that a benefit should be burdensome to those who confer it. Our law, which approximates to the perfection of reason, imposes no burden, that is unreasonable ; and, if any of you doubt in particular cases (as some in your situation have naturally doubted) what ought to be the measure of your care and attendance, you need only ask your own hearts, what degree

of them are due to your private affairs of importance.

Next come the *subjects* of your inquiry and presentments under two heads ; first, such as may be given you in charge ; and, secondly, such as may come to your knowledge independently of the charge, but relating to the present business, that is, to the legal redress of all publick wrongs, or the administration of criminal justice. In old times it was usual, for all the articles of inquiry to be read at some length as part of the charge, after a general exhortation by the judge ; and, if that mode had continued, the latter part of this division, as included in the former, would have been superfluous ; whence we may infer, that the present *form* of your oath is not of the highest antiquity, though the following member of it be certainly very ancient, and the substance of the whole may be traced back to the time of the *Saxon* princes.

Of the second condition, that *you shall keep secret the king's counsel, your own, and that of your fellows*, the meaning might have been expressed with more perspicuity. To declare at an improper time, and in an unfit place, what persons have been indicted, might give traitors, conspirators, and other great offenders an opportunity of absconding, before they could be apprehended,

or impel them perhaps to strike some desperate blow ; and such a premature disclosure might defeat the purposes of the law. It appears from the book of *Affises*, that in the reign of EDWARD the Third a grand juror was indicted *as a felon* for such a discovery, but, as he was acquitted, the law remained undecided ; and, though justice SHARDELOW declared, that in the opinion of some judges, a discovery by an indictor might be *treason* (meaning, I presume, where a *traitor* had been indicted, and the grand juror intended to facilitate his escape) yet the wisest judges in latter times have exploded and refuted the doctrine in GEORGE's case, and hold such a discovery to be merely a great misprision accompanied with the guilt of perjury. The *counsel* or *purpose* of the king is formally comprised in every prosecution : it becomes in part your counsel, when you have unanimously concurred in finding the bill ; and, when it has been found by a majority of your whole number, it is their counsel, which the dissentient must not disclose ; for a grand juror, therefore, to reveal either his own acts and opinions, or those of his fellows, might have an effect equally dangerous ; and, though the generality of your promise might, if its principal scope only were considered, be restrained to particular cases, yet it is the safer way

in all cases, to maintain an impenetrable reserve on all business begun or concluded, that is, on the form of the indictment, the evidence in support of it, and the fact of its being found or rejected; except when you bring in your bills or have occasion to consult the court.

Thirdly, you implore the divine help on condition, that *you present no person from hatred, malice, or ill will, nor leave any thing unpresented from fear, favour, or affection.* These words are a paraphrase on a stronger and more elegant form preserved in the law of ETHELRED, by which the grand inquest were compelled to swear, that *they would accuse none, whom they believed innocent, nor conceal any, whom they thought guilty.* To be free from partial affections and preconceived opinions, from resentment and from regard, from all prepossessions that might incline you to reject bills, or to find them true, is a duty common to all who are concerned in the administration of justice; and though different motives are enumerated by way of example, yet the plain intent of the whole sentence is, that, from no motive whatsoever, neither from the darker passions of envy or wrath, nor from the amiable affections of compassion and benignity, shall you bring the guiltless into trouble, nor screen probable guilt from a full and impartial

trial. You will remember and emulate on this occasion the sublime attributes of your guide, the Law, which cannot be more strongly expressed, than in the manly diction of the high-minded and eloquent ALGERNON SIDNEY:

“ The good of a people ought to be fixed on a
 “ more solid foundation than the fluctuating
 “ will or fallible understanding of one or a few:
 “ for this reason law is established, which no
 “ passion can disturb. It is void of desire and
 “ fear, of lust and anger ; it is pure dispassionate
 “ mind ; written reason, retaining some mea-
 “ sure of the divine perfection : it enjoins
 “ not that, which pleases a weak, frail man,
 “ but, without any regard to persons, com-
 “ mands what is good, and punishes evil in
 “ all, whether noble or base, rich or poor,
 “ high or low : it is deaf, inexorable, in-
 “ flexible.”

The preceding member of the period containing a *negative* condition, you are lastly presented with it in *positive* form ; that *you shall present all things* (not partially, but) *truly as they come to your knowledge, according to the best of your understanding*. Here we return to the phrase, with which we began, of a *true presentment* which you are bound to make, of all things relating to the business of the session, as truly as you are

enabled to make it, according to such evidence as you have before you, and by such an exertion of your intellectual powers, as all sensible men would apply to their own concerns ; for so the law interprets in your case the superlative *best*, not meaning, as in our, (for reasons not applicable to your) that painful and intense application of mind, with which a mathematician solves the most abstruse problem, or a judge decides the most intricate cause. The only remaining doubt is, what the law means by a *true presentment* ; for what the law means, must be the rule of our interpretation, and the measure of your duty. Sir MATTHEW HALE, whom I always name with applause, was of opinion, that if *probable* evidence be given for the king, the grand inquest ought to find the bill *true* ; for it is but an accusation, that is, the denunciation of a person, who, as they verily believe, ought to be tried : this opinion has been attacked with some warmth ; because the grand jury are sworn, it is said, *to present the whole truth*, and, it is added erroneously, *nothing but the truth*, and ought, therefore, to have *the same persuasion*, that an indictment is true, with the petit jury, who take the same oath. I conceive the opinion of that great judge to be, if we rightly understand it, consonant to law. He could not mean a remote

and light probability, or slender surmise, but used the word *probable*, in a strong and emphatical sense, for an approximation to the truth as far as the grand jury can safely assert it. Probability has many shades or degrees, from the weakest, which borders on negation, to the strongest, which touches the confines of certainty; and he uses the positive degree *intensively*, as the word *diligent* is used by the *Roman* lawyers: that you, who hear only one side, should have *the same* persuasion with the petit jury, who hear both sides, is impossible; and the law requires no impossibility. Nor is the word *true* invariably opposed to *false*, but often, both in popular and technical language, means *correct* or *exact*, *faithful* or *just*: a verdict is *true*, when it is *exactly conformable to the evidence*, though many such verdicts have proved, in a strict and logical sense, unhappily false. To prevent mistakes the word is qualified, in the oath of petit jurors, by the phrase *according to the evidence*, and in yours by the words *as the things shall come to your knowledge*. The law intends generally, that the guilty shall be punished and the innocent justified, but particularly, that you, gentlemen, should find on good grounds a just accusation, and that the petit jury, having heard both accusation and defence, should weigh the whole

evidence and give their *verdict*, or *true saying*, according to the preponderant scale. LAMBARD applies the word *verdict* to an indictment, because it is true, as far as evidence on one side can establish the truth. The result of my reasoning is, that you should be persuaded, as far as you have knowledge, that the accusation is just, and the bill true in *substance*. As to mere *form*, it is not the intention of the law, that you should precisely ascertain the truth of it: for instance, the offence must be laid on a certain day before the session, which is one day in law; but on what particular day is of no consequence; and what the law pronounces immaterial, cannot be material in conscience of which the law, as we have established, is the guide. Again; the law supposes, that atrocious offenders must have abandoned the fear of GOD; yet a wretch, who had abandoned every thing else, confessed before his execution in the north of *England*, that, in the very moment before he murdered a sleeping man, he meditated on the awfulness of the divine Majesty, and implored on his knees a deliverance from temptation: had such a mixture of religion and wickedness been proved before the grand inquest, they would not surely have thought themselves bound by their oath, to put a negative on the formal phrase in the indictment.

Let us now return to the calendar: when you find a bill for murder or burglary, as a regard for publick justice, and a tendernefs for the party accused, may in many cases require, you conform to the intention of the law, and are not understood to assert the absolute verity, but to prefer a just accusation; leaving the petit jury, with the assistance of the court, to ascertain the precise degree of guilt; for it is neither consistent with the strict justice of the law, that a great offence should be stifled, nor with its provident benignity, that a man who must be acquitted and discharged if his case be found specially, should be liable many years afterwards, when all his witnesses may be dead, to an indictment for a capital crime. Nevertheless, if you believe on the evidence for the prosecution, that there was no malice, or that any one ingredient of burglary was out of the case, you are at liberty, no doubt, to reject the bills, and to call for others more agreeable to the truth; or, if you think the witnesses unworthy of credit, or their tale undeserving of belief, you may reject them altogether; but though in most cases you have a discretion, which the secrecy of your deliberations and resolves naturally encourages, yet you will remember,

that it must be a conscientious and legal discretion; like perfect historians, you will not fear to say any thing that is true, nor dare to say any thing that is false; but will so act in every part of your duty, that the innocent may approach the tribunal without apprehension of danger, and the guilty leave it without complaining of injustice.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, DELIVERED JUNE 9, 1792.

GENTLEMEN OF THE GRAND INQUEST,

IF any point of criminal law, a full discussion of which might serve to guide you in finding or rejecting bills, or in desiring new ones to be prepared, either arose from facts within my private knowledge or could be collected from this calendar, you would not find me reluctant, merely for the sake of saving my own trouble or your time, in enlarging on it copiously to the best of my abilities; but no such point really occurs. There are only two commitments by myself, and those in cases of so little moment, (though it was impossible to pass them over without notice) that I had no doubt of bail being given by the parties committed; and, as to the treatment of prisoners

before conviction, (a subject, which I always had much at heart) I have the pleasure of believing, that the keeper of the prison is fully apprized of his duty on that head, and would on no account apply any rigorous mode of confinement to persons, whom the law presumes innocent and only detains for a fair trial, unless they should prove intractable and riotous, or had attempted an escape. As to the calendar, it specifies only twenty-six new commitments, the other persons named in it having been indicted at a former session; and of that number, three are cases of homicide; two, of perjury; and one, of robbery; besides which there are several aggravated assaults, grand larcinies, and cheats or criminal frauds; offences, on which the law (as far as you are concerned in knowing it) is either so clear in itself, or has been made so clear by concurrent opinions delivered from this bench, that it would at present be superfluous to expatiate on it: the rest are *petit larcinies*, *common assaults*, and *inferiour misdemeanors*; the comparative number of which in this calendar suggests one topick, which I will very shortly discuss; requesting you to be assured, that I intend no disrespect to any one living, even if my opinion should differ (which I do not know) from that of

others present or absent: much less do I mean to insinuate, that ~~you~~ you can fail to pay the utmost attention even to the most trivial cases, that can be brought before you; but, since the topick seems to me of great consequence, I shall enter upon it without reserve; not imperiously obtruding my judgement on yours, but calmly reasoning with you, as a man, who loves his country, should reason with men, who equally love it.

This then is the point, which I engage to maintain: that no penal case, how insignificant soever in itself, is below the serious attention of a grand inquest, who cannot but set a just value on our incomparable mode of trial by jury; because, if they once convince the publick, that they think slight offences below their notice, the necessities of that publick, to whom a number of small crimes are a great evil, will oblige them to wish for summary jurisdictions; and every summary jurisdiction is a slur on trials by jury, and consequently a step towards establishing arbitrary power.

It is agreed by all, who have coolly and impartially studied our noble constitution, as declared by many statutes from the great charter to the bill of rights, all which, you know, are solemn re-

cognitions of our ancient publick law, that three peculiar advantages are conferred by that sacred law on the *people of England*, or on *all subjects, who are not noble, but may, if they please, be independent*; first, a distinct unalienable third share of the legislative power; next, a right, coupled with a duty, of keeping and using arms for the defence of their persons and habitations, as well as of their several counties, when the sheriffs shall call for their aid; thirdly, the right of being tried, when impleaded or accused, by their equals freely chosen, instead of appointed officers, to whom they cannot except. Now, should the time ever come (may it long, very long, be averted!) when the servants of the crown, through the blandishments of that patronage, with which they are usually intrusted, shall obtain over both legislative houses an influence limited only by their prudence in exerting it; and should the day ever come (which to me would seem no less disgraceful) when the counties of *England* shall be wholly unable to defend themselves against riots, insurrections, or invasions, without the support of a standing army, you must be sensible, that, in those events, the trial by jury would be the only anchor left, that could preserve our constitution from total shipwreck. Great then

must be the importance of encouraging and cherishing to the utmost a mode of trial so truly inestimable; and you will allow me here to recite a passage from Sir MATTHEW HALE, of whose character, taking it all in all, we may very justly say, that it has never been equalled: “I have seen, says that experienced
 “and virtuous man, I have seen arbitrary
 “practice still go from one thing to another:
 “the fines upon grand inquests began: then they
 “set fines upon the petit juries for not finding
 “according to the directions of the court; af-
 “terwards the judges proceeded to fine jurors
 “in civil causes, if they gave not a verdict ac-
 “cording to direction even in points of fact.”

The instance given by him is very strong; but it is the principle, which I apply; and we may thence infer, that, if any acknowledged subjects of *Britain* (for a different faith or complexion can make no difference in justice and right) shall be tried, convicted, and punished by a summary jurisdiction, however constituted, for *petit larcinies, breaches of the peace, and other misdemeanors, and all offences inferiour to felony*, it will be a subsequent step to try them for *grand larciny* and for all *felonies within* the benefit of clergy; after which the transition to *felonies without* that benefit will not be

more abrupt than the third stride, which had actually come to the knowledge of the learned and excellent judge, whom I always name with honour and cite with confidence. The progress of arbitrary power is commonly slow at first, and imperceptible to all but the vigilant, like the creeping of a tiger at night in a brake; and it behoves us, by all decent and legal means, to guard posterity against that ultimate spring, from which nothing less than the doubtful horrors of civil war might be able to protect them.

The *convenience*, indeed, of summary jurisdictions I am ready to admit; but it might be still more *convenient* to part with other constitutional rights, which are attended with troublesome duties; and we must always remember what has often been said, that some inconvenience and trouble are the price, which free men must necessarily pay for their freedom. To conclude: though all, who hear me, have, I am persuaded, the same generous sentiments with myself on this point, yet I was desirous of impressing it forcibly on your minds; for, should our numerous fellow-subjects, who will, I trust, revisit their common country, carry back with them an indifference, contracted at this distance from it, to the prin-

ciples of its publick law, some future age (perhaps an age not very distant) may have just occasion to exclaim: “ It had been happy for us, “ if a *British* dominion had never been established in *Asia*.”

INSTITUTES
OF
HINDU LAW:
OR,
THE ORDINANCES OF MENU,
ACCORDING TO THE
GLOSS OF CULLUCA.
COMPRISING THE
INDIAN SYSTEM OF DUTIES,
RELIGIOUS AND CIVIL.

VERBALLY TRANSLATED FROM THE ORIGINAL SANSKRIT.

WITH
A PREFACE,
BY SIR WILLIAM JONES.

THE PREFACE.

IT is a maxim in the science of legislation and government, that *Laws are of no avail without manners*, or, to explain the sentence more fully, that the best intended legislative provisions would have no beneficial effect even at first, and none at all in a short course of time, unless **they** were congenial to the disposition and habits, to the religious prejudices, and approved immemorial usages, of the people, for whom they were enacted; especially if that people universally and sincerely believed, that all their ancient usages and established rules of conduct had the sanction of an actual revelation from heaven: the legislature of *Britain* having shown, in compliance with this maxim, an intention to leave the natives of these *Indian* provinces in possession of their own Laws, at least on the titles of *contracts* and *inheritances*, we may humbly presume, that all future provisions, for the administration of justice and government in *India*, will be conformable, as far as the natives are affected

by them, to the manners and opinions of the natives themselves; an object, which cannot possibly be attained, until those manners and opinions can be fully and accurately known. These considerations, and a few others more immediately within my province, were my principal motives for wishing to know, and have induced me at length to publish, that system of duties, religious and civil, and of law in all its branches, which the *Hindus* firmly believe to have been promulged in the beginning of time by MENU, son or grandson of BRAHMA', or, in plain language, the first of created beings, and not the oldest only, but the holiest, of legislators; a system so comprehensive and so minutely exact, that it may be considered as the *Institutes of Hindu Law*, preparatory to the copious *Digest*, which has lately been compiled by *Pandits* of eminent learning, and introductory perhaps to a *Code*, which may supply the many natural defects in the old jurisprudence of this country, and, without any deviation from its principles, accommodate it justly to the improvements of a commercial age.

We are lost in an inextricable labyrinth of imaginary astronomical cycles, *Yugas*, *Maháyugas*, *Calpas*, and *Menwantaras*, in attempting to calculate the time, when the first MENU, according to the *Bráhmens*, governed this world,

and became the progenitor of mankind, who from him are called *Mánaváh*; nor can we, so clouded are the old history and chronology of *India* with fables and allegories, ascertain the precise age, when the work, now presented to the Publick, was actually composed: but we are in possession of some evidence, partly extrinsic and partly internal, that it is really one of the oldest composition existing. From a text of *PARA'SARA*, discovered by Mr. DAVIS, it appears, that the vernal equinox had gone back from the *tenth* degree of *Bharanì* to the *first* of *Aswinì*, or *twenty-three degrees and twenty minutes*, between the days of that *Indian* philosopher, and the year of our Lord 499, when it coincided with the origin of the *Hindu* ecliptick; so that *PARA'SARA* probably flourished near the close of the *twelfth* century before CHRIST: now *PARA'SARA* was the grandson of another sage, named *VASISHT'HA*, who is often mentioned in the laws of *MENU*, and once as contemporary with the divine *BHRĪGU* himself; but the character of *BHRĪGU*, and the whole dramatical arrangement of the book before us, are clearly fictitious and ornamental, with a design, too common among ancient lawgivers, of stamping authority on the work by the introduction of supernatural personages, though *VASISHT'HA* may have lived many generations before the ac-

tual writer of it; who names him, indeed, in one or two places as a philosopher in an earlier period. The style, however, and metre of this work (which there is not the smallest reason to think affectedly obsolete) are widely different from the language and metrical rules of CA'LIDDA's, who unquestionably wrote before the beginning of our era; and the dialect of MENU is even observed in many passages to resemble that of the *Vêda*, particularly in a departure from the more modern grammatical forms; whence it must at first view seem very probable, that the laws, now brought to light, were considerably older than those of SOLON or even of LYCURGUS, although the promulgation of them, before they were reduced to writing, might have been coeval with the first monarchies established in *Egypt* or *Asia*: but, having had the singular good fortune to procure ancient copies of eleven *Upanishads* with a very perspicuous comment, I am enabled to fix with more exactness the probable age of the work before us, and even to limit its highest possible age, by a mode of reasoning, which may be thought new, but will be found, I persuade myself, satisfactory; if the Publick shall on this occasion give me credit for a few very curious facts, which, though capable of strict proof, can at present be only asserted. The *Sanscrit* of the three first *Vêdas* (I need not here

speak of the fourth,) that of the *Mánava Dherma Sástra*, and that of the *Puránas*, differ from each other in pretty exact proportion to the *Latin* of NUMA, from whose laws entire sentences are preserved, that of APPIUS, which we see in the fragments of the Twelve Tables, and that of CICERO, or of LUCRETIVS, where he has not affected an obsolete style : if the several changes, therefore, of *Sanfcrit* and *Latin* took place, as we may fairly affume, in times very nearly proportional, the *Védas* must have been written about 300 years before these Institutes, and about 600 before the *Puránas* and *Itiháfas*, which, I am fully convinced, were not the productions of VYA'SA ; so that, if the son of PARA'SARA committed the traditional *Védas* to writing in the *Sanfcrit* of his father's time, the original of this book must have received its present form about 880 years before CHRIST's birth. If the texts, indeed, which VYA'SA collected, had been actually written, in a much older dialect, by the sages preceding him, we must inquire into the greatest possible age of the *Védas* themselves: now one of the longest and finest *Upanishads* in the second *Véda* contains three lists, in a regular series upwards, of at most forty-two pupils and preceptors, who successively received and transmitted (probably by oral tradition) the doctrines contained in that *Upanishad*; and, as the old In-

dian priests were students at *fifteen*, and instructors at *twenty-five*, we cannot allow more than ten years on an average for each interval between the respective traditions; whence, as there are *forty* such intervals, in two of the lists, between VYA'SA, who arranged the whole work, and AYA'SYA, who is extolled at the beginning of it, and just as many, in the third list, between the compiler and YA'JNYAWALCYA, who makes the principal figure in it, we find the highest age of the *Yajur Vêda* to be 1580 years before the birth of our Saviour, (which would make it older than the five books of MOSES) and that of our *Indian* lawtract about 1280 years before the same epoch. The former date, however, seems the more probable of the two, because the *Hindu* sages are said to have delivered their knowledge orally, and the very word *Sruta*, which we often see used for the *Vêda* itself, means *what was heard*; not to insist, that CULLU'CA expressly declares the sense of the *Vêda* to be conveyed in the *language* of VYA'SA. Whether MENU, or MENÛS in the nominative and MENO'S in an oblique case, was the same personage with MINOS, let others determine; but he must indubitably have been far older than the work, which contains his laws, and, though perhaps he was never in *Crete*, yet some of his institutions may well have been adopted in that island, whence

LYCURGUS a century or two afterwards may have imported them to *Sparta*.

There is certainly a strong resemblance, though obscured and faded by time, between our MENU with his divine Bull, whom he names as DHERMA himself, or the genius of abstract justice, and the MNEUES of *Egypt* with his companion or symbol, *Apis*; and, though we should be constantly on our guard against the delusion of etymological conjecture, yet we cannot but admit that MINOS and MNEUES, or *Mneuis*, have only *Greek* terminations, but that the crude noun is composed of the same radical letters both in *Greek* and in *Sanscrit*. ‘ That APIS and MNEUIS, says
 ‘ the Analyst of ancient Mythology, were both
 ‘ representations of some personage, appears from
 ‘ the testimony of LYCOPHRON and his scholiast;
 ‘ and that personage was the same, who in *Crete*
 ‘ was styled MINOS, and who was also represented under the emblem of the *Minotaur*:
 ‘ DIODORUS, who confines him to *Egypt*, speaks
 ‘ of him by the title of the bull *Mneuis*, as the
 ‘ first lawgiver, and says, “ That he lived after
 “ the age of the gods and heroes, when a change
 “ was made in the manner of life among men; that
 “ he was a man of a most exalted soul, and a great
 “ promoter of civil society, which he benefited
 “ by his laws; that those laws were unwritten, and
 “ received by him from the chief *Egyptian* deity

“ HERMES, who conferred them on the world
 “ as a gift of the highest importance.” He was
 ‘ the same, adds my learned friend, with MENES,
 ‘ whom the *Egyptians* represented as their first
 ‘ king and principal benefactor, who first sacrificed
 ‘ to the gods, and brought about a great change
 ‘ in diet.’ If MINOS, the son of JUPITER,
 whom the *Cretans*, from national vanity,
 might have made a native of their own
 island, was really the same person with MENU,
 the son of BRAHMA’, we have the good fortune
 to restore, by means of *Indian* literature, the
 most celebrated system of heathen jurisprudence,
 and this work might have been entitled *The*
Laws of MINOS; but the paradox is too singular
 to be confidently asserted, and the geographical
 part of the book, with most of the allusions to
 natural history, must indubitably have been
 written after the *Hindu* race had settled to the
 south of *Himálaya*. We cannot but remark that
 the word MENU has no relation whatever to the
Moon; and that it was the *seventh*, not the *first*,
 of that name, whom the *Bráhmens* believe to
 have been preserved in an ark from the general
 deluge: him they call the *Child of the Sun*, to
 distinguish him from our legislator; but they
 assign to his brother YAMA the office (which the
Greeks were pleased to confer on MINOS) of
Judge in the shades b. lxx.

The name of MENU is clearly derived (like *menes, mens, and mind*) from the root *men* to *understand*; and it signifies, as all the *Pandits* agree, *intelligent*, particularly in the doctrines of the *Vêda*, which the composer of our *Dherma Sástra* must have studied very diligently; since great numbers of its texts, changed only in a few syllables for the sake of the measure, are interspersed through the work and cited at length in the commentaries: the Publick may, therefore, assure themselves, that they now possess a considerable part of the *Hindu* scripture, without the dullness of its profane ritual or much of its mystical jargon. DA'RA SHUCU'H was persuaded, and not without sound reason, that the first MENU of the *Bráhmens* could be no other person than the progenitor of mankind, to whom *Jews, Christians, and Muselmáns* unite in giving the name of ADAM; but, whoever he might have been, he is highly honoured by name in the *Vêda* itself, where it is declared, that 'whatever MENU pronounced, was a medicine for the soul;' and the sage VRIHASPETI, now supposed to preside over the planet *Jupiter*, says in his own law tract, that 'MENU held the first rank among legislators, because he had expressed in his code the whole sense of the *Vêda*; that no code was approved, which contradicted MENU; that other *Sástras*, and treatises on

‘ grammar or logick, retained splendour so long
 ‘ only as MENU, who taught the way to just wealth,
 ‘ to virtue, and to final happiness, was not seen
 ‘ in competition with them :’ VYA’S A too, the
 son of PARA’SARA before mentioned, has de-
 cided, that ‘ the *Véda* with its *Angas*, or the
 ‘ six compositions deduced from it, the revealed
 ‘ system of medicine, the *Puránas*, or sacred his-
 ‘ tories, and the code of MENU, were four works
 ‘ of supreme authority, which ought never to be
 ‘ shaken by arguments merely human.’

It is the general opinion of *Pandits*, that
 BRAHMA’ taught his laws to MENU in a *hun-
 dred thousand verses*, which MENU explained
 to the primitive world in the very words of the
 book now translated, where he names himself,
 after the manner of ancient sages, in the third
 person ; but, in a short preface to the lawtract of
 NA’RED, it is asserted, that ‘ MENU, having
 ‘ written the laws of BRAHMA’ in a hundred
 ‘ thousand *ślokas* or couplets, arranged under
 ‘ *twenty-four* heads in a *thousand* chapters, deli-
 ‘ vered the work to NA’RED, the sage among
 ‘ gods, who abridged it, for the use of mankind,
 ‘ in *twelve thousand* verses, and gave them to a
 ‘ son of BHRĪGU, named SUMATI, who, for
 ‘ greater ease to the human race, reduced them
 ‘ to *four thousand* ; that mortals read only the
 ‘ second abridgement by SUMATI, while the

‘ gods of the lower heaven, and the band of ce-
 ‘ lestial musicians, are engaged in studying the
 ‘ primary code, beginning with the fifth verse, a
 ‘ little varied, of the work now extant on earth;
 ‘ but that nothing remains of NA’RED’s abridge-
 ‘ ment, except an elegant epitome of the *ninth*
 ‘ original title *on the administration of justice.*’
 Now, since these institutes consist only of *two*
thousand six hundred and eighty-five verses, they
 cannot be the whole work ascribed to SUMATI,
 which is probably distinguished by the name of
 the *Vṛiddha*, or ancient, *Mánava*, and cannot
 be found entire; though several passages from
 it, which have been preserved by tradition, are
 occasionally cited in the new digest.

A number of glosses or comments on MENU
 were composed by the *Munis*, or old philoso-
 phers, whose treatises, together with that before
 us, constitute the *Dharmasāstra*, in a collective
 sense, or *Body of Law*; among the more mo-
 dern commentaries, that called *Médbātī’bi*, that
 by GO’VINDARA’JA, and that by DHARANI’-
 DHERA, were once in the greatest repute; but
 the first was reckoned prolix and unequal; the
 second, concise but obscure; and the third, often
 erroneous. At length appeared CULLU’CA
 BHATTA; who, after a painful course of study,
 and the collation of numerous manuscripts, pro-
 duced a work, of which it may, perhaps, be said

very truly, that it is the shortest, yet the most luminous, the least ostentatious, yet the most learned, the deepest, yet the most agreeable, commentary ever composed on any author ancient or modern, *European* or *Asiatick*. The *Pandits* care so little for genuine chronology, that none of them can tell me the age of CULLU'CA, whom they always name with applause; but he informs us himself, that he was a *Bráhmén* of the *Váréndra* tribe, whose family had been long settled in *Gaur* or *Bengal*, but that he had chosen his residence among the learned on the banks of the holy river at *Cáfi*. His text and interpretation I have almost implicitly followed, though I had myself collated many copies of MENU, and among them a manuscript of a very ancient date: his gloss is here printed in *Italicks*; and any reader, who may choose to pass it over as if unprinted, will have in *Roman* letters an exact version of the original, and may form some idea of its character and structure, as well as of the *Sanscrit* idiom, which must necessarily be preserved in a verbal translation; and a translation, not scrupulously verbal, would have been highly improper in a work on so delicate and momentous a subject as private and criminal jurisprudence.

Should a series of *Bráhméns* omit, for three generations, the reading of MENU, their sa-

cerdotal class, as all the *Pandits* assure me, would in strictness be forfeited; but they must explain it only to their pupils of the three highest classes; and the *Bráhmén*, who read it with me, requested most earnestly, that his name might be concealed; nor would he have read it for any consideration on a forbidden day of the moon, or without the ceremonies prescribed in the second and fourth chapters for a lecture on the *Véda*: so great, indeed, is the idea of sanctity annexed to this book, that, when the chief native magistrate at *Banares* endeavoured, at my request, to procure a *Persian* translation of it, before I had a hope of being at any time able to understand the original, the *Pandits* of his court unanimously and positively refused to assist in the work, nor should I have procured it at all, if a wealthy *Hindu* at *Gayà* had not caused the version to be made by some of his dependants, at the desire of my friend Mr. LAW. The *Persian* translation of MENU, like all others from the *Sanscrit* into that language, is a rude intermixture of the text, loosely rendered, with some old or new comment, and often with the crude notions of the translator; and, though it expresses the general sense of the original, yet it swarms with errors, imputable partly to haste, and partly to ignorance:

thus where MENU says, *that emissaries are the eyes of a prince*, the *Persian* phrase makes him ascribe *four eyes* to the person of a king; for the word *chár*, which means *an emissary* in *Sanscrit*, signifies *four* in the popular dialect.

The work, now presented to the *European* world, contains abundance of curious matter extremely interesting both to speculative lawyers and antiquaries, with many beauties, which need not be pointed out, and with many blemishes, which cannot be justified or palliated. It is a system of despotism and priestcraft, both indeed limited by law, but artfully conspiring to give mutual support, though with mutual checks; it is filled with strange conceits in metaphysics and natural philosophy, with idle superstitions, and with a scheme of theology most obscurely figurative, and consequently liable to dangerous misconception; it abounds with minute and childish formalities, with ceremonies generally absurd and often ridiculous; the punishments are partial and fanciful, for some crimes dreadfully cruel, for others reprehensibly slight; and the very morals, though rigid enough on the whole, are in one or two instances (as in the case of light oaths and of pious perjury) unaccountably relaxed: nevertheless, a

spirit of sublime devotion, of benevolence to mankind, and of amiable tenderness to all sentient creatures, pervades the whole work; the style of it has a certain austere majesty, that sounds like the language of legislation and extorts a respectful awe; the sentiments of independence on all beings but God, and the harsh admonitions even to kings, are truly noble; and the many panegyrics on the *Gáyatrî*, the *Mother*, as it is called, of the *Vêda*, prove the author to have adored (not the visible material *sun*, but) *that divine and incomparably greater light*, to use the words of the most venerable text in the *Indian* scripture, *which illumines all, delights all, from which all proceed, to which all must return, and which alone can irradiate* (not our visual organs merely, but our souls and) *our intellects*. Whatever opinion in short may be formed of MENU and his laws, in a country happily enlightened by sound philosophy and the only true revelation, it must be remembered, that those laws are actually revered, as the word of the Most High, by nations of great importance to the political and commercial interests of *Europe*, and particularly by many millions of *Hindu* subjects, whose well directed industry would add largely to the wealth of *Britain*, and who ask no more in return than protection for their persons and places of abode,

justice in their temporal concerns, indulgence to the prejudices of their own religion, and the benefit of those laws, which they have been taught to believe sacred, and which alone they can possibly comprehend.

W. JONES.

THE
LAWS OF MENU,
SON OF BRAHMÁ.

CHAPTER THE FIRST.

On the Creation; with a Summary of the Contents.

1. MENU *sat* reclined, with his attention fixed on one object, *the supreme God*; when the divine Sages approached *him*, and, after mutual salutations in due form, delivered the following address:

2. ‘ Deign, sovereign ruler, to apprise us of the sacred laws in their order, as they must be followed by all the *four* classes, and by each of them, in their several degrees, together with the duties of every mixed class ;

3. ‘ For thou, Lord, *and thou only among mortals*, knowest the true sense, the first principle, *and* the prescribed ceremonies, of this universal, supernatural *Véda*, unlimited in extent and unequalled in authority.’

4. HE, whose powers were measureless, being thus requested by the great Sages, whose thoughts were profound, saluted them all with reverence, and gave them a comprehensive answer, *saying* :
 ‘ Be it heard !

5. ‘ This *universe* existed only in the *first divine idea yet unexpanded, as if involved in darkness, imperceptible, undefinable, undiscoverable by reason, and undiscovered by revelation, as if it were wholly immersed in sleep* :

6. ‘ Then the *sole* self-existing power, himself undiscerned, but making this world discernible, with five elements and other principles of *nature*, appeared with undiminished glory, *expanding his idea, or dispelling the gloom*.

7. ‘ HE, whom the mind alone can perceive, whose essence eludes the external organs, who has no visible parts, who exists from eternity, even HE, the soul of all beings, whom no being can comprehend, shone forth in person.

8. ‘ HE, having willed to produce various beings from his own divine substance, first with a thought created the waters, and placed in them a productive seed :

9. ‘ That *seed* became an egg bright as gold, blazing like the luminary with a thousand beams ; and in that egg he was born himself, in

‘ *the form of BRAHMA*’, the great forefather of
 ‘ all spirits.

10. ‘ The waters are called *nára*, because
 ‘ they were the production of NARA, *or the*
 ‘ *spirit of God*; and, since they were his first
 ‘ *ayana*, *or place of motion*, he thence is named
 ‘ NA’RA’YANA, *or moving on the waters*.

11. ‘ From THAT WHICH IS, the first cause,
 ‘ not the object of sense, existing *every where in*
 ‘ *substance*, not existing *to our perception*, without
 ‘ beginning or end, was produced the divine
 ‘ male, famed in all worlds under the appellation
 ‘ of BRAHMA’.

12. ‘ In that egg the great power sat inactive
 ‘ a whole year *of the Creator*, at the close of which
 ‘ by his thought alone he caused the egg to di-
 ‘ vide itself;

13. ‘ And from its two divisions he framed
 ‘ the heaven *above* and the earth *beneath*: in
 ‘ the midst *he placed* the subtil ether, the eight
 ‘ regions, and the permanent receptacle of
 ‘ waters.

14. ‘ From the supreme soul he drew forth
 ‘ Mind, existing substantially though unper-
 ‘ ceived by sense, immaterial; and, *before mind*,
 ‘ *or the reasoning power*, he produced conscious-
 ‘ ness, the internal monitor, the ruler;

15. ‘ And, *before them both*, he produced the

‘ great *principle of the soul, or first expansion of*
 ‘ *the divine idea*; and all vital forms endued
 ‘ with the three qualities of *goodness, passion, and*
 ‘ *darkness*; and the *five* perceptions of sense,
 ‘ and the five organs of sensation.

16. ‘ Thus, having at once pervaded, with
 ‘ emanations from the Supreme Spirit, the minute
 ‘ portions of six principles immensely operative, *consciousness and the five perceptions*, He
 ‘ framed all creatures;

17. ‘ And since the minutest particles of visible
 ‘ nature have a dependence on those *six*
 ‘ emanations from God, the wise have accordingly given the name of *s’arira*, or *depending*
 ‘ *on six, that is, the ten organs on consciousness,*
 ‘ *and the five elements on as many perceptions,*
 ‘ to His *image or appearance* in visible nature :

18. ‘ Thence proceed the great elements, endued
 ‘ with peculiar powers, the Mind with operations infinitely subtil, the unperishable cause
 ‘ of all apparent forms.

19. ‘ This *universe*, therefore, is compacted
 ‘ from the minute portions of those seven divine
 ‘ and active principles, *the great Soul, or first*
 ‘ *emanation, consciousness, and five perceptions*;
 ‘ a mutable *universe* from immutable *ideas*.

20. ‘ Among them each succeeding element
 ‘ acquires the quality of the preceding; and, in

‘ as many degrees as each of them is advanced,
 ‘ with so many properties is it said to be en-
 ‘ dued.

21. ‘ HE too first assigned to all creatures
 ‘ distinct names, distinct acts, and distinct occu-
 ‘ pations ; as they had been revealed in the pre-
 ‘ existing *Véda*:

22. ‘ HE, the supreme Ruler, created an as-
 ‘ semblage of inferior Deities, with divine attri-
 ‘ butes and pure souls ; and a number of Genii
 ‘ exquisitely delicate ; and he *prescribed* the sa-
 ‘ crifice ordained from the beginning.

23. ‘ From fire, from air, and from the sun
 ‘ he milked out, *as it were*, the three primordial
 ‘ *Védas*, named *Rich*, *Yajush*, and *Sáman*, for
 ‘ the due performance of the sacrifice.

24. ‘ HE gave being to time and the divisions
 ‘ of time, to the stars also, and to the planets, to
 ‘ rivers, oceans, and mountains, to level plains,
 ‘ and uneven valleys,

25. ‘ To devotion, speech, complacency, de-
 ‘ fire, and wrath, and to the creation, which
 ‘ shall presently be mentioned ; for He willed the
 ‘ existence of all those created things.

26. ‘ For the sake of distinguishing actions,
 ‘ He made a total difference between right and
 ‘ wrong, and enured these sentient creatures to
 ‘ pleasure and pain, *cold and heat*, and other op-
 ‘ posite pairs.

27. ‘ With very minute transformable portions, called *mátrás*, of the five elements, all this perceptible world was composed in fit order ;

28. ‘ And in whatever occupation the supreme Lord first employed any vital soul, to that occupation the same soul attaches itself spontaneously, when it receives a new body again and again :

29. ‘ Whatever quality, noxious or innocent, harsh or mild, unjust or just, false or true, He conferred on any being at its creation, the same quality enters it of course *on its future births* ;

30. ‘ As the *six* seasons of the year attain respectively their peculiar marks in due time and of their own accord, even so the several acts of each embodied spirit *attend it naturally*.

31. ‘ That the human race might be multiplied, He caused the *Bráhmen*, the *Cshatriya*, the *Vaisya*, and the *Súdra* (so named from the *scripture, protection, wealth, and labour*) to proceed from his mouth, his arm, his thigh, and his foot.

32. ‘ Having divided his own substance, the mighty power became half male, half female, *or nature active and passive*; and from that female he produced VIRAJ :

33. ' Know Me, O most excellent of *Bráh-*
' *mens*, to be that person, whom the male *power*
' *VIRA'J*, having performed austere devotion,
' produced by himself; Me, the *secondary* framer
' of all this *visible world*.

34. ' It was I, who, desirous of giving birth
' to a race of men, performed very difficult re-
' ligious duties, and first produced ten Lords of
' created beings, eminent in holiness,

35. ' *MAR'ICHI*, *ATRI*, *ANGIRAS*, *PULAS-*
' *TYA*, *PULAHA*, *CRATU*, *PRACHE'TAS*, or *DAC-*
' *SHA*, *VASISHT'HA*, *BHR'IGU*, and *NA'RADA* :

36. ' They, abundant in glory, produced
' seven other *Menus*, together with deities, and
' the mansions of deities, and *Maharshis*, or great
' Sages, unlimited in power ;

37. ' Benevolent genii, and fierce giants,
' blood-thirsty savages, heavenly quiriſters,
' nymphs and demons, huge serpents and snakes
' of smaller ſize, birds of mighty wing, and ſe-
' parate companies of *Pit'rs*, or progenitors of
' mankind ;

38. ' Lightnings and thunder-bolts, clouds
' and coloured bows of *INDRA*, falling meteors,
' earth-rending vapours, comets, and luminaries
' of various degrees ;

39. ' Horſe-faced ſylvans, apes, fiſh, and a
' variety of birds, tame cattle, deer, men, and
' ravenous beaſts with two rows of teeth ;

40. ‘ Small and large reptiles, moths, lice,
 ‘ fleas, and common flies, with every biting
 ‘ gnat, and immoveable substances of distinct
 ‘ sorts.

41. ‘ Thus was this whole assemblage of sta-
 ‘ tionary and moveable bodies framed by those
 ‘ high-minded beings, through the force of their
 ‘ own devotion, and at my command, with se-
 ‘ parate actions allotted to each.

42. ‘ Whatever act is ordained for each of
 ‘ those creatures here below, *that* I will now de-
 ‘ clare to you, together with their order in re-
 ‘ spect to birth.

43. ‘ Cattle and deer, and wild beasts with
 ‘ two rows of teeth, giants, and blood-thirsty
 ‘ savages, and the race of men, are born from a
 ‘ fecundine :

44. ‘ Birds are hatched from eggs; *so*
 ‘ are snakes, crocodiles, fish *without shells*,
 ‘ and tortoises, with other animal kinds, ter-
 ‘ restrial, *as chameleons*, and aquatick, *as shell-*
 ‘ *fish* :

45. ‘ From hot moisture are born biting gnats,
 ‘ lice, fleas, and common flies; these, and what-
 ‘ ever is of the same class, are produced by
 ‘ heat.

46. ‘ All vegetables, propagated by seed or by
 ‘ slips, grow from shoots : some herbs, abound-

‘ ing in flowers and fruits, perish when the fruit
 ‘ is mature ;

47. ‘ Other plants, called lords of the forest,
 ‘ have no flowers, but produce fruit ; and, whe-
 ‘ ther they have flowers also, or fruit only,
 ‘ *large woody plants* of both sorts are named trees.

48. ‘ There are shrubs with many stalks from
 ‘ the root upwards, and reeds with single roots
 ‘ but united stems, all of different kinds, and
 ‘ grasses, and *vines or* climbers, and creepers,
 ‘ which spring from a seed or from a slip.

49. ‘ These *animals and vegetables*, encircled
 ‘ with multiform darkness, by reason of past
 ‘ actions, have internal conscience, and are sen-
 ‘ sible of pleasure and pain.

50. ‘ All transmigrations, recorded in *sacred*
books, from the state of BRAHMA, to that of
 ‘ plants, happen continually in this tremen-
 ‘ dous world of beings ; a world *always* tending
 ‘ to decay.

51. ‘ HE, whose powers are incomprehen-
 ‘ sible, having thus created both me and this
 ‘ universe, was again absorbed in the supreme
 ‘ Spirit, changing *the time of energy* for *the time*
 ‘ *of repose*.

52. ‘ When that power awakes, (*for, though*
 ‘ *slumber be not predicable of the sole eternal*
 ‘ *Mind, infinitely wise and infinitely benevolent,*

‘ yet it is predicated of BRAHMA’, figuratively, as
 ‘ a general property of life) then has this world
 ‘ its full expansion; but, when he slumbers with
 ‘ a tranquil spirit, then the whole system fades
 ‘ away;

53. ‘ For, while he repofes, *as it were*, in
 ‘ calm fleep, embodied fpirits, endued with prin-
 ‘ ciples of action, depart from their feveral acts,
 ‘ and the mind itfelf becomes inert;

54. ‘ And, when they once are abforbed in
 ‘ that fupreme effence, then the divine foul of
 ‘ all beings withdraws his energy, and placidly
 ‘ flumbers;

55. ‘ Then too this vital foul *of created bodies*,
 ‘ with all the organs of fenfe and of action, re-
 ‘ mains long immerfed *in the firft idea or in*
 ‘ darknefs, and performs not its natural func-
 ‘ tions, but migrates from its corporeal frame:

56. ‘ When, being *again* compofed of minute
 ‘ elementary principles, it enters at once into
 ‘ vegetable or animal feed, it then affumes a *new*
 ‘ form.

57. ‘ Thus that immutable Power, by waking
 ‘ and repofing alternately, revivifies and deftroys
 ‘ in eternal fucceffion this whole afsemblage of
 ‘ locomotive and immoveable creatures.

58. ‘ HE, having enacted this code of laws,
 ‘ himfelf taught it fully to me in the beginning:

‘ afterwards I taught it MARÍCHI and the *nine*
 ‘ other holy sages.

59. ‘ This *my son* BHRĪGU will repeat the
 ‘ divine code to you without omission; for that
 ‘ sage learned from me to recite the whole of
 ‘ it.’

60. BHRĪGU, great and wise, having thus
 been appointed by MENU to promulge his laws,
 addressed all the *Rīshis* with an affectionate mind,
 saying: ‘ Hear!

61. ‘ FROM this MENU, named SWA’Y-
 ‘ AMBHUVA, or *Sprung from the self-existing*,
 ‘ came six descendants, other MENUS, or *per-*
 ‘ *fectly understanding the scripture*, each giving
 ‘ birth to a race of his own, all exalted in dig-
 ‘ nity, eminent in power;

62. ‘ SWA’RO’CHISHA, AUTTAMI, TA’MA-
 ‘ SA, RAIVATA likewise and CHA’CSHUSHA,
 ‘ beaming with glory, and VAIVASWATA, child
 ‘ of the sun.

63. ‘ The seven MENUS, (or *those first created*,
 ‘ *who are to be followed by seven more*) of whom
 ‘ SWA YAMBHUVA is the chief, have produced
 ‘ and supported this world of moving and sta-
 ‘ tionary beings, each in his own *Antara*, or *the*
 ‘ *period of his reign*.

64. ‘ Eighteen *niméshas*, or *twinklings of an*
 ‘ *eye*, are one *śáshṭ’bá*; thirty *śáshṭ’bás*, one *calá*;
 ‘ thirty *calás*, one *mubúrta*: and just so many

‘ *mubúrtas* let mankind consider as the duration
 ‘ of their day and night.

65. ‘ The sun causes the distribution of day
 ‘ and night both divine and human ; night being
 ‘ *intended* for the repose of *various* beings, and
 ‘ day for their exertion.

66. ‘ A month *of mortals* is a day and a night
 ‘ of the *Pitris* or *patriarchs inhabiting the moon* ;
 ‘ and the division *of a month* being into equal
 ‘ halves, the half beginning from the full moon
 ‘ is their day for actions; and that beginning
 ‘ from the new moon is their night for slumber :

67. ‘ A year *of mortals* is a day and a night
 ‘ of the Gods, or *regents of the universe seated*
 ‘ *round the north pole* ; and again their division
 ‘ is this: their day is the northern, and their
 ‘ night the southern, course of the sun.

68. ‘ Learn now the duration of a day and a
 ‘ night of BRAHMA, and of the several ages,
 ‘ which shall be mentioned in order succinctly.

69. ‘ Sages have given the name of *Crīta*
 ‘ to an age containing four thousand years of the
 ‘ Gods; the twilight preceding it consists of as
 ‘ many hundreds, and the twilight following it,
 ‘ of the same number :

70. ‘ In the other three *ages*, with their twi-
 ‘ lights preceding and following, are thousands
 ‘ and hundreds diminished by one.

71. ‘ The divine years, in the *four human ages*

‘ just enumerated, being added together, their
‘ sum, *or* twelve thousand, is called the age of
‘ the Gods ;

72. ‘ And, by reckoning a thousand such di-
‘ vine ages, a day of BRAHMA’ may be known :
‘ his night has also an equal duration :

73. ‘ Those persons best know the divisions of
‘ days and nights, who understand, that the day
‘ of BRAHMA’, which endures to the end of a
‘ thousand such ages, gives rise to virtuous exer-
‘ tions; and that his night endures as long as his
‘ day.

74. ‘ At the close of his night, having long
‘ reposed, he awakes, and, awaking, exerts intel-
‘ lect, *or reproduces the great principle of ani-*
‘ *mation*, whose property it is to exist unperceived
‘ by sense :

75. ‘ Intellect, called into action by his will
‘ to create worlds, performs *again* the work of
‘ creation ; and thence *first* emerges the subtil
‘ ether, to which philosophers ascribe the quality
‘ of *conveying* sound ;

76. ‘ From ether, effecting a transmutation in
‘ form, springs the pure and potent air, a vehicle
‘ of all scents; and air is held endued with the
‘ quality of touch :

77. ‘ Then from air, operating a change,
‘ rises light *or fire*, making objects visible, dis-
‘ pelling gloom, spreading bright rays ; *and* it is
‘ declared to have the quality of figure ;

78. ‘ But from light, a change being effected,
 ‘ comes water with the quality of taste; and from
 ‘ water is *deposited* earth with the quality of
 ‘ smell: such were they created in the begin-
 ‘ ning.

79. ‘ The beforementioned age of the Gods,
 ‘ or twelve thousand *of their* years, being multi-
 ‘ plied by seventy-one, *constitutes what* is here
 ‘ named a *Menwantara*, or the reign of a MENU.

80. ‘ There are numberless *Menwantaras*;
 ‘ creations also and destructions of worlds, *innu-*
 ‘ *merable*: the Being supremely exalted performs
 ‘ all this, *with as much ease* as if in sport, again
 ‘ and again *for the sake of conferring happiness*.

81. ‘ In the *Crīta* age the Genius of truth and
 ‘ right, *in the form of a Bull*, stands firm on
 ‘ his four feet; nor does any advantage accrue to
 ‘ men from iniquity;

82. ‘ But in the following ages, by reason of
 ‘ unjust gains, he is deprived successively of
 ‘ one foot; and even just emoluments, through
 ‘ the prevalence of theft, falsehood, and fraud,
 ‘ are *gradually* diminished by a fourth part.

83. ‘ Men, free from disease, attain all sorts of
 ‘ prosperity and live four hundred years, in the
 ‘ *Crīta* age; but, in the *Trētā* and the succeed-
 ‘ ing ages, their life is lessened gradually by one
 ‘ quarter.

84. ‘ The life of mortals, which is mentioned
 ‘ in the *Vēda*, the rewards of good works, and

‘ the powers of embodied spirits, are fruits pro-
 ‘ portioned among men to the order of the *four*
 ‘ ages.

85. ‘ Some duties are performed by *good* men
 ‘ in the *Crīta* age ; others, in the *Trétà* ; some,
 ‘ in the *Dwápara* ; others in the *Cali* ; in pro-
 ‘ portion as those ages decrease in length.

86. ‘ In the *Crīta* the prevailing virtue is de-
 ‘ clared to be devotion ; in the *Trétà*, divine
 ‘ knowledge ; in the *Dwápara*, holy sages call
 ‘ sacrifice the duty chiefly performed ; in the
 ‘ *Cali*, liberality alone.

87. ‘ For the sake of preserving this universe,
 ‘ the Being supremely glorious allotted separate
 ‘ duties to those, who sprang respectively from
 ‘ his mouth, his arm, his thigh, and his
 ‘ foot.

88. ‘ To *Bráhmens* he assigned the duties of
 ‘ reading the *Véda*, of teaching it, of sacrificing,
 ‘ of assisting others to sacrifice, of giving alms,
 ‘ *if they be rich*, and, *if indigent*, of receiving
 ‘ gifts :

89. ‘ To defend the people, to give alms, to
 ‘ sacrifice, to read the *Véda*, to shun the allure-
 ‘ ments of sensual gratification, are in few words
 ‘ the duties of a *Cshatriya* :

90. ‘ To keep herds of cattle, to bestow lar-
 ‘ gesses, to sacrifice, to read the scripture, to carry
 ‘ on trade, to lend at interest, and to culti-

‘vate land, are prescribed *or permitted* to a
 ‘*Vaisya* :

91. ‘ One principal duty the supreme Ruler
 ‘ assigned to a *Súdra*; namely, to serve the
 ‘ beforementioned classes, without depreciating
 ‘ their worth.

92. ‘ Man is declared purer above the navel;
 ‘ but the self-existing Power declared the purest
 ‘ part of him to be the mouth:

93. ‘ Since the *Bráhmen* sprang from the most
 ‘ excellent part, since he was the first born, and
 ‘ since he possesses the *Véda*, he is by right the
 ‘ chief of this whole creation.

94. ‘ Him the Being, who exists of himself,
 ‘ produced in the beginning from his own
 ‘ mouth; that, having performed holy rites, he
 ‘ might present clarified butter to the Gods, and
 ‘ cakes of rice to the progenitors of mankind, for
 ‘ the preservation of this world:

95. ‘ What created being then can surpass
 ‘ Him, with whose mouth the Gods of the fir-
 ‘ mament continually feast on clarified butter,
 ‘ and the manes of ancestors, on hallowed cakes?

96. ‘ Of created things the most excellent are
 ‘ those which are animated; of the animated,
 ‘ those which subsist by intelligence; of the in-
 ‘ telligent, mankind; and of men, the sacerdo-
 ‘ tal class.

97. ‘ Of priests, those eminent in learning; of

‘ the learned, those who know their duty; of
 ‘ those who know it, such as perform it virtu-
 ‘ ously; and of the virtuous, those who seek
 ‘ beatitude from a perfect acquaintance with
 ‘ scriptural doctrine.

98. ‘ The very birth of *Bráhmens* is a constant
 ‘ incarnation of DHERMA, *God of Justice*; for the
 ‘ *Bráhmen* is born to promote justice, and to
 ‘ procure ultimate happiness.

99 ‘ When a *Bráhmen* springs to light, he is
 ‘ born above the world, the chief of all creatures,
 ‘ assigned to guard the treasury of duties religious
 ‘ and civil.

100. ‘ Whatever exists in the universe, is all
 ‘ in effect, *though not in form*, the wealth of the
 ‘ *Bráhmen*; since the *Bráhmen* is entitled to it
 ‘ all by his primogeniture and eminence of
 ‘ birth:

101. ‘ The *Bráhmen* eats but his own food;
 ‘ wears but his own apparel; and bestows but
 ‘ his own in alms: through the benevolence
 ‘ of the *Bráhmen*, indeed, other mortals enjoy
 ‘ life.

102. ‘ To declare the sacerdotal duties, and
 ‘ those of the other classes in due order, the sage
 ‘ MENU, sprung from the self-existing, pro-
 ‘ mulged this code of laws;

103. ‘ A code which must be studied with
 ‘ extreme care by every learned *Bráhmen*, and

‘ fully explained to his disciples, but *must*
 ‘ *be taught* by no other man *of an inferior*
 ‘ *class*.

104. ‘ The *Bráhmén*, who studies this book,
 ‘ having performed sacred rites, is perpetually
 ‘ free from offence in thought, in word, and in
 ‘ deed ;

105. ‘ He confers purity on his living fa-
 ‘ mily, on his ancestors, and on his descendants,
 ‘ as far as the seventh person ; and He alone
 ‘ deserves to possess this whole earth.

106. ‘ This most excellent code produces
 ‘ every thing auspicious; this code increases un-
 ‘ derstanding; this code procures fame and long
 ‘ life ; this code leads to supreme bliss.

107. ‘ In this book appears the system of law
 ‘ in its full extent, with the good and bad pro-
 ‘ perties of human actions, and the immemorial
 ‘ customs of the four classes.

108. ‘ Immemorial custom is transcendent
 ‘ law, approved in the sacred scripture, and in the
 ‘ codes of divine legislators: let every man, there-
 ‘ fore, of the three principal classes, who has a
 ‘ due reverence for the *supreme spirit which*
 ‘ *dwells in him*, diligently and constantly observe
 ‘ immemorial custom:

109. ‘ A man of the priestly, military, or
 ‘ commercial class, who deviates from immemorial
 ‘ usage, tastes not the fruit of the *Véda*; but, by

‘ an exact observance of it, he gathers that fruit
‘ in perfection.

110. ‘ Thus have holy sages, well knowing
‘ that law is grounded on immemorial custom,
‘ embraced, as the root of all piety, good usages,
‘ long established.

111. ‘ The creation of this universe; the
‘ forms of institution and education, with the
‘ observances and behaviour of a student in
‘ theology; the best rules for the ceremony on
‘ his return from the mansion of his preceptor;

112. ‘ The law of marriage in general, and of
‘ nuptials in different forms; the regulations for
‘ the great sacraments, and the manner, prime-
‘ vally settled, of performing obsequies;

113. ‘ The modes of gaining subsistence, and
‘ the rules to be observed by the master of a fa-
‘ mily; the allowance and prohibition of diet,
‘ with the purification of men and utensils;

114. ‘ Laws concerning women; the devo-
‘ tion of hermits, and of anchorets wholly intent
‘ on final beatitude, the whole duty of a king,
‘ and the judicial decision of controversies,

115. ‘ With the law of evidence and exami-
‘ nation; laws concerning husband and wife,
‘ canons of inheritance; the prohibition of
‘ gaming, and the punishments of criminals;

116. ‘ Rules ordained for the mercantile and

‘ servile classes, with the origin of those, that
 ‘ are mixed; the duties and rights of all the
 ‘ classes in time of distress for subsistence; and
 ‘ the penances for expiating sins ;

117. ‘ The several transmigrations in this
 ‘ universe, caused by offences of three kinds, with
 ‘ the ultimate bliss attending good actions, on the
 ‘ full trial of vice and virtue ;

118. ‘ All these titles of law, promulgated by
 ‘ MENU, and *occasionally* the customs of different
 ‘ countries, different tribes, and different families,
 ‘ with rules concerning hereticks and companies
 ‘ of traders, are discussed in this code.

119. ‘ Even as MENU at my request formerly
 ‘ revealed this divine *Sástra*, hear it now from
 ‘ me without any diminution or addition.

CHAPTER THE SECOND.

On Education ; or on the Sacerdotal Class, and the First Order.

1. ‘**KNOW** that system of duties, which is revered by such as are learned in the *Védas*, and impressed, *as the means of attaining beatitude*, on the hearts of the just, who are ever exempt from hatred and inordinate affection.

2. ‘ Self-love is no laudable motive, yet an exemption from self-love is not *to be found* in this world ; on self-love is grounded the study of scripture, and the practice of actions recommended in it.

3. ‘ Eager desire *to act* has its root in expectation of some advantage ; and with such expectation are sacrifices performed : the rules of religious austerity and abstinence from sin are all known to arise from hope of remuneration.

4. ‘ Not a single act here below appears ever to be done by a man free from self-love : whatever he performs, it is wrought from his desire of a reward.

5. ‘ He, indeed, who should persist in *dis-*
 ‘ *charging* these duties without any view to their
 ‘ fruit, would attain hereafter the state of the
 ‘ immortals, and, even in this life, would enjoy
 ‘ all the virtuous gratifications, that his fancy
 ‘ could suggest.

6. ‘ The roots of law are the whole *Véda*, the
 ‘ ordinances and moral practices of such as
 ‘ perfectly understand it, the immemorial customs
 ‘ of good men, and, *in cases quite indifferent*, self-
 ‘ satisfaction.

7. ‘ Whatever law has been ordained for any
 ‘ person by MENU, that law is fully declared in
 ‘ the *Véda*: for He was perfect in divine know-
 ‘ ledge:

8. ‘ A man of true learning, who has viewed
 ‘ this complete system with the eye of sacred
 ‘ wisdom, cannot fail to perform all those duties,
 ‘ which are ordained on the authority of the
 ‘ *Véda*.

9. ‘ No doubt, that man, who shall follow
 ‘ the rules prescribed in the *Sruti* and in the
 ‘ *Smṛiti*, will acquire fame in this life, and, in
 ‘ the next, inexpressible happiness:

10. ‘ By *Sruti*, or *what was heard from above*,
 ‘ is meant the *Véda*; and by *Smṛiti*, or *what was*
 ‘ *remembered from the beginning*, the body of law:
 ‘ those two must not be oppugned by heterodox

‘ arguments; since from those two proceeds the
‘ whole system of duties.

11. ‘ Whatever man of the three highest
‘ classes, having addicted himself to heretical
‘ books, shall treat with contempt those two
‘ roots of law, he must be driven, as an Atheist
‘ and a scorner of revelation, from the company
‘ of the virtuous.

12. ‘ The scripture, the codes of law, ap-
‘ proved usage, and, *in all indifferent cases*,
‘ self-satisfaction, the wise have openly declared
‘ to be the quadruple description of the juridical
‘ system.

13. ‘ A knowledge of right is a sufficient in-
‘ centive for men unattached to wealth or to
‘ sensuality; and to those who seek a knowledge
‘ of right, the supreme authority is divine re-
‘ velation;

14. ‘ But, when there are two sacred texts
‘ *apparently inconsistent*, both are held to be law;
‘ for both are pronounced by the wise to be valid
‘ and reconcileable;

15. ‘ Thus in the *Véda* are these texts: “let
‘ the sacrifice be when the sun has arisen,” and,
‘ before it has risen,” and, “when neither sun
‘ nor stars can be seen:” the sacrifice, there-
‘ fore, may be performed at any or all of those
‘ times.

16. ‘ He, whose life is regulated by holy
 ‘ texts, from his conception even to his funeral
 ‘ pile, has a decided right to study this code ; but
 ‘ no other man whatsoever.

17. ‘ BETWEEN the two divine rivers *Saras-*
 ‘ *watí* and *Dbrīṣhadwatí* lies the tract of land,
 ‘ which the sages have named *Brahmáverta*, be-
 ‘ cause it was frequented by Gods :

18. ‘ The custom, preserved by immemorial
 ‘ tradition in that country, among the four *pure*
 ‘ classes, and among those which are mixed, is
 ‘ called approved usage.

19. ‘ *Curucshétra*, *Matśya*, *Panchála*, or *Cá-*
 ‘ *nyacubja*, and *Súraséna*, or *Mat’burà*, form the
 ‘ region, called *Brahmarshi*, distinguished from
 ‘ *Brahmáverta* :

20. ‘ From a *Bráhmen*, who was born in that
 ‘ country, let all men on earth learn their several
 ‘ usages.

21. ‘ That country, which lies between *Hima-*
 ‘ *wat* and *Vindhya*, to the east of *Vinas’ana*, and
 ‘ to the west of *Prayága*, is celebrated by the
 ‘ title of *Medhya-déśa*, or *the central region*.

22. ‘ As far as the eastern, and as far as the
 ‘ western, oceans between the two mountains
 ‘ just mentioned, lies the tract, which the wise
 ‘ have named *Ariáverta*, or *inhabited by respect-*
 ‘ *able men*.

23. ‘ That land, on which the black antelope

‘ naturally grazes, is held fit for the performance
 ‘ of sacrifices ; but the land of *Mléch’has*, or
 ‘ *those who speak barbarously*, differs widely from
 ‘ it.

24. ‘ Let the three first classes invariably
 ‘ dwell in those before-mentioned countries ; but
 ‘ a *Súdra*, distressed for subsistence, may sojourn
 ‘ wherever he chuses.

25. ‘ Thus has the origin of law been suc-
 ‘ cinctly declared to you, together with the form-
 ‘ ation of this universe : now learn the laws
 ‘ of the several classes.

26. ‘ WITH auspicious acts prescribed by the
 ‘ *Véda*, must ceremonies on conception and so
 ‘ forth, be duly performed, which purify the
 ‘ bodies of the three classes in this life, and *qualify*
 ‘ *them* for the next.

27. ‘ By oblations to fire during the mother’s
 ‘ pregnancy, by holy rites on the birth of the
 ‘ child, by the tonsure of his head with a lock
 ‘ of hair left on it, by the ligation of the sacri-
 ‘ ficial cord, are the feminal and uterine taints of
 ‘ the three classes wholly removed :

28. ‘ By studying the *Véda*, by religious ob-
 ‘ servances, by oblations to fire, by the ceremony
 ‘ of *Traividia*, by offering to the Gods and
 ‘ Manes, by the procreation of children, by the
 ‘ five great sacraments, and by solemn sacrifices,
 ‘ this human body is rendered fit for a divine state.

29. ‘ Before the section of the navel string a ceremony is ordained on the birth of a male: he must be made, while sacred texts are pronounced, to taste a little honey and clarified butter from a golden spoon.

30. ‘ Let the father *perform or, if absent*, cause to be performed, on the tenth or twelfth day *after the birth*, the ceremony of giving a name; or on some fortunate day of the moon, at a lucky hour, and under the influence of a star with good qualities.

31. ‘ The first part of a *Brábmén’s* compound name should indicate holiness; of a *Cshatriya’s*, power; of a *Vaisya’s*, wealth; and of a *Súdra’s*, contempt:

32. ‘ Let the second part of the priest’s name imply prosperity; of the soldier’s, preservation; of the merchant’s, nourishment; of the servant’s, humble attendance.

33. ‘ The names of women should be agreeable, soft, clear, captivating the fancy, auspicious, ending in long vowels, resembling words of benediction.

34. ‘ In the fourth month the child should be carried out of the house *to see the sun*: in the sixth month, he should be fed with rice; or that *may be done*, which, by the custom of the family, is thought most propitious.

35. ‘ By the command of the *Véda*, the cere-

‘ many of tonsure should be legally performed
 ‘ by the three *first* classes in the first or third year
 ‘ *after birth*.

36. ‘ In the eighth year from the conception
 ‘ of a *Bráhmén*, in the eleventh from that of a
 ‘ *Cshatriya*, and in the twelfth from that of a
 ‘ *Vaisya*, let the father invest the child with the
 ‘ mark of his class :

37. ‘ Should a *Bráhmén*, or *his father for him*,
 ‘ be desirous of his advancement in sacred know-
 ‘ ledge, a *Cshatriya* of extending his power, or
 ‘ a *Vaisya* of engaging in mercantile business,
 ‘ the investiture may be made in the fifth, sixth,
 ‘ or eighth years respectively.

38. ‘ The ceremony of investiture hallowed
 ‘ by the *gáyatrí* must not be delayed, in the case
 ‘ of a priest, beyond the sixteenth year ; nor,
 ‘ in that of a soldier, beyond the twenty-second ;
 ‘ nor in that of a merchant, beyond the twenty-
 ‘ fourth.

39. ‘ After that, *all youths of these three classes*
 ‘ who have not been invested at the proper time,
 ‘ become *vrátyas*, or outcasts, degraded from the
 ‘ *gáyatrí*, and condemned by the virtuous :

40. ‘ With such impure men, let no *Bráhmén*,
 ‘ even in distress for subsistence, ever form a
 ‘ connexion in law, either by the study of the
 ‘ *Véda*, or by affinity.

41. ‘ Let students in theology wear for

‘ *their mantles* the hides of black antelopes, of
 ‘ common deer, or of goats with *lower vests* of
 ‘ woven *s’ana*, of *cshumà*, and of wool, in the
 ‘ direct order of the classes.

42. ‘ The girdle of a priest must be made of
 ‘ *munja*, in a triple cord, smooth and soft; that
 ‘ of a warrior must be a bow string of *mùrvá*;
 ‘ that of a merchant, a triple thread of *s’ana*.

43. ‘ If the *munja* be not procurable, their
 ‘ zones must be formed *respectively* of the grasses
 ‘ *cusa*, *asmántaca*, *valvaja*, in triple strings with
 ‘ one, three, or five knots, *according to the family*
 ‘ *custom*.

44. ‘ The sacrificial thread of a *Bráhmén*
 ‘ must be made of cotton, so as to be put on
 ‘ over his head, in three strings; that of a *Csha-*
 ‘ *triya*, of *s’ana* thread only; that of a *Vais’ya* of
 ‘ woollen thread.

45. ‘ A priest ought by law to carry a staff of
 ‘ *Bilva* or *Palája*, a soldier, of *Bata* or *C’hadira*;
 ‘ a merchant of *Vénu*, or *Udumbara*:

46. ‘ The staff of a priest must be of such a
 ‘ length as to reach his hair; that of a soldier,
 ‘ to reach his forehead; and that of a merchant,
 ‘ to reach his nose.

47. ‘ Let all the staves be straight, without
 ‘ fracture, of a handsome appearance, not likely
 ‘ to terrify men, with their bark perfect, unhurt
 ‘ by fire .

48. ‘ Having taken a legal staff to his liking,
 ‘ and standing opposite to the sun, let the stu-
 ‘ dent thrice walk round the fire from left to
 ‘ right, and perform, according to law, the cere-
 ‘ mony of asking food :

49. ‘ The most excellent of the three classes,
 ‘ being girt with the sacrificial thread, must ask
 ‘ food with the respectful word *bhavati*, at the
 ‘ beginning of the phrase; those of the second
 ‘ class, with that word in the middle; and those
 ‘ of the third, with that word at the end.

50. ‘ Let him first beg food of his mother, or
 ‘ of his sister, or of his mother’s whole sister; and
 ‘ then of some other female who will not disgrace
 ‘ him.

51. ‘ Having collected as much of the desired
 ‘ food as he has occasion for, and having pre-
 ‘ sented it without guile to his preceptor, let
 ‘ him eat some of it, being duly purified, with
 ‘ his face to the east :

52. ‘ If he seek long life, he should eat with
 ‘ his face to the east; if exalted fame, to the
 ‘ south; if prosperity, to the west; if truth *and its*
 ‘ *reward*, to the north.

53. ‘ Let the student, having performed his
 ‘ ablution, always eat his food without distrac-
 ‘ tion of mind; and, having eaten, let him *thrice*
 ‘ wash his mouth completely, sprinkling with

‘ water the *six* hollow parts of his head, *or his*
 ‘ eyes, ears, and nostrils.

54. ‘ Let him honour all his food, and eat it
 ‘ without contempt; when he sees it, let him re-
 ‘ joice and be calm, and pray, that he may al-
 ‘ ways obtain it.

55. ‘ Food, eaten constantly with respect,
 ‘ gives muscular force and generative power; but,
 ‘ eaten irreverently, destroys them both.

56. ‘ He must beware of giving any man
 ‘ what he leaves; and of eating any thing be-
 ‘ tween *morning and evening*: he must also be-
 ‘ ware of eating too much, and of going any
 ‘ whither with a remnant of his food unswal-
 ‘ lowed.

57. ‘ Excessive eating is prejudicial to health,
 ‘ to fame, and to future bliss in heaven; it is in-
 ‘ jurious to virtue, and odious among men: he
 ‘ must, for these reasons, by all means avoid it.

58. ‘ Let a *Bráhmén* at all times perform the
 ‘ ablution with the pure part of his hand deno-
 ‘ minated from the *Véda*, or with the part sacred
 ‘ to the Lord of creatures, or with that dedicated
 ‘ to the Gods; but never with the part named
 ‘ from the *Pitrīs*:

59. ‘ The pure part under the root of the
 ‘ thumb is called *Bráhma*; that at the root of the
 ‘ little finger, *Cáya*; that at the tips of the fingers,

‘ *Daiva*; and the part between the thumb and the
 ‘ index, *Pitrya*.

60. ‘ Let him first sip water thrice; then
 ‘ twice wipe his mouth; and lastly touch with
 ‘ water the *six before mentioned* cavities, his
 ‘ breast, and his head.

61. ‘ He, who knows the law, and seeks
 ‘ purity, will ever perform his ablution with the
 ‘ pure part of his hand, and with water neither
 ‘ hot nor frothy, standing in a lonely place, and
 ‘ turning to the east or the north.

62. ‘ A *Bráhmén* is purified by water that
 ‘ reaches his bosom; a *Cshatriya*, by water de-
 ‘ scending to his throat; a *Vaisya*, by water
 ‘ barely taken into his mouth; a *Súdra* by water
 ‘ touched with the extremity of his lips.

63. ‘ A youth of the three highest classes is
 ‘ named *upavítí*, when his right hand is extended
 ‘ *for the cord to pass over his head and be fixed on*
 ‘ *his left shoulder*; when his left hand is extended,
 ‘ *that the thread may be placed on his right shoulder*,
 ‘ he is called *práchínávítí*; and *nivítí*, when it is
 ‘ fastened on his neck.

64. ‘ His girdle, his leathern mantle, his staff,
 ‘ his sacrificial cord, and his ewer, he must throw
 ‘ into the water, when they are worn out or
 ‘ broken, and receive others hallowed by mystical
 ‘ texts.

65. ‘ The ceremony of *césánta*, or *cutting off*

‘ *the hair*, is ordained for a priest in the sixteenth
 ‘ year from conception; for a soldier, in the
 ‘ twenty-second; for a merchant, two years later
 ‘ than that.

66. ‘ The same ceremonies, *except that of the*
 ‘ *sacrificial thread*, must be duly performed for
 ‘ women at the same age and in the same order,
 ‘ that the body may be made perfect; but with-
 ‘ out any texts from the *Véda*:

67. ‘ The nuptial ceremony is considered as
 ‘ the complete institution of women, ordained
 ‘ for them in the *Véda*, together with rever-
 ‘ ence to their husbands, dwelling first in their
 ‘ father’s family, the business of the house, and
 ‘ attention to sacred fire.

68. ‘ Such is the revealed law of institution
 ‘ for the twice born; an institution, in which
 ‘ their second birth clearly consists, and which
 ‘ causes their advancement in holiness: now
 ‘ learn to what duties they must afterwards ap-
 ‘ ply themselves.

69. ‘ THE venerable preceptor, having girt
 ‘ his pupil with the thread, must first instruct
 ‘ him in purification, in good customs, in the
 ‘ management of the consecrated fire, and in the
 ‘ holy rites of morning, noon, and evening.

70. ‘ When the student is going to read the
 ‘ *Véda*, he must perform an ablution, as the law
 ‘ ordains, with his face to the north; and hav-

‘ ing paid scriptural homage, he must receive in-
 ‘ struction, wearing a clean vest, his members
 ‘ being duly composed :

71. ‘ At the beginning and end of the lecture,
 ‘ he must always clasp both the feet of his pre-
 ‘ ceptor; and he must read with both his hands
 ‘ closed: (this is called scriptural homage.)

72. ‘ With crossed hands let him clasp the
 ‘ feet of his tutor, touching the left foot with his
 ‘ left, and the right with his right, hand.

73. ‘ When he is prepared for the lecture, the
 ‘ preceptor, constantly attentive, must say :
 ‘ “ hoa ! read ; ” and, at the close of the lesson, he
 ‘ must say : “ take rest . ”

74. ‘ A *Bráhmén*, beginning and ending a
 ‘ lecture on the *Véda*, must always pronounce to
 ‘ himself the syllable *óm* ; for, unless the syllable
 ‘ *óm* precede, his learning will slip away from
 ‘ him ; and, unless it follow, nothing will be
 ‘ long retained.

75. ‘ If he have sitten on culms of *cus’a* with
 ‘ their points towards the east, and be purified
 ‘ by *rubbing* that holy grass on both his hands,
 ‘ and be further prepared by three suppressions of
 ‘ breath, *each equal in time to five short vowels*, he
 ‘ then may fitly pronounce *óm*.

76. ‘ BRAHMA’ milked out, *as it were*, from
 ‘ the three *Védas*, the letter A, the letter U,
 ‘ and the letter M, *which form by their coal-*

‘ *tion the triliteral monosyllable*, together with three
 ‘ mysterious words, *bhur, bhuvah, swer*, or *earth*,
 ‘ *sky, heaven* :

77. ‘ From the three *Védas* also the Lord of
 ‘ creatures, incomprehensibly exalted, succeß-
 ‘ sively milked out the three measures of that
 ‘ ineffable text, beginning with the word *tad*,
 ‘ and entitled *śávitri* or *gáyatrì*.

78. ‘ A priest who shall know the *Véda*, and
 ‘ shall pronounce to himself, both morning and
 ‘ evening, that syllable, and that holy text pre-
 ‘ ceded by the three words, shall attain the sanc-
 ‘ tity which the *Véda* confers ;

79. ‘ And a twice born man, who shall a
 ‘ thousand times repeat those three (or *óm*, the
 ‘ *vyábr̥itis*, and the *gáyatrì*,) apart from the mul-
 ‘ titude, shall be released in a month even from
 ‘ a great offence, as a snake from his slough.

80. ‘ The priest, the soldier, and the mer-
 ‘ chant, who shall neglect this mysterious text,
 ‘ and fail to perform in due season his peculiar
 ‘ acts of piety, shall meet with contempt among
 ‘ the virtuous.

81. The three great immutable words, pre-
 ‘ ceded by the triliteral syllable, and *followed by*
 ‘ the *gáyatrì*, which consists of three measures,
 ‘ must be considered as the mouth, or *principal*
 ‘ *part*, of the *Véda* :

82. ‘ Whoever shall repeat, day by day for

‘ three years, without negligence, that sacred
 ‘ text, shall *hereafter* approach the divine essence,
 ‘ move as freely as air, and assume an ethereal form.

83. ‘ The triliteral monosyllable is *an emblem of*
 ‘ the Supreme; the suppressions of breath *with a*
 ‘ *mind fixed on God*, are the highest devotion;
 ‘ but nothing is more exalted than the *gáyatrí*:
 ‘ *a declaration of truth* is more excellent than
 ‘ silence.

84. ‘ All rites ordained in the *Véda*, oblations
 ‘ to fire, and solemn sacrifices, pass away; but
 ‘ that, which passes not away, is declared to be
 ‘ the syllable *óm*, thence called *acshara*; since it
 ‘ is a *symbol of God*, the Lord of created Beings.

85. ‘ The act of repeating his Holy Name is
 ‘ ten times better, than the appointed sacrifice; a
 ‘ hundred times better, when it is heard by no
 ‘ man; and a thousand times better, when it is
 ‘ purely mental:

86. ‘ The four domestic sacraments, which
 ‘ are accompanied with the appointed sacrifice,
 ‘ are not equal, though all be united, to a six-
 ‘ teenth part of the sacrifice performed by a re-
 ‘ petition of the *gáyatrí*:

87. ‘ By the sole repetition of the *gáyatrí*, a
 ‘ priest may indubitably attain beatitude, let him
 ‘ perform, or not perform, any other religious
 ‘ act; if he be *Maitra*, or a *friend to all creatures*,

‘ he is *justly* named *Bráhmēna*, or *united to the*
 ‘ *Great One*.

88. ‘ IN restraining the organs, which run
 ‘ wild among ravishing sensualities, a wise man
 ‘ will apply diligent care, like a charioteer in
 ‘ managing restive horses.

89. ‘ Those eleven organs, to which the first
 ‘ ages gave names, I will comprehensively enu-
 ‘ merate, as the law considers them, in due
 ‘ order.

90. ‘ The nose is the fifth, after the ears, the
 ‘ skin, the eyes, and the tongue ; and the organs
 ‘ of speech are reckoned the tenth, after those of
 ‘ excretion and generation, and the hands and
 ‘ feet :

91. ‘ Five of them, the ear and the rest in
 ‘ succession, learned men have called organs of
 ‘ sense ; and the others, organs of action :

92. ‘ The heart must be considered as the
 ‘ eleventh ; which, by its natural property, com-
 ‘ prises both sense and action ; and which being
 ‘ subdued, the other two sets, with five in each,
 ‘ are also controlled.

93. ‘ A man, by the attachment of his organs
 ‘ to sensual pleasure, incurs certain guilt ; but,
 ‘ having wholly subdued them, he thence attains
 ‘ heavenly bliss.

94. ‘ Desire is never satisfied with the enjoy-

‘ ment of desired objects; as the fire is not ap-
 ‘ peased with clarified butter; it only blazes
 ‘ more vehemently.

95. ‘ Whatever man may obtain all those gra-
 ‘ tifications, or whatever man may resign them
 ‘ completely, the resignation of all pleasures is far
 ‘ better than the attainment of them.

96. ‘ The organs, being strongly attached to
 ‘ sensual delights, cannot so effectually be re-
 ‘ strained by avoiding incentives to pleasure, as
 ‘ by a constant pursuit of divine knowledge.

97. ‘ To a man contaminated by sensuality
 ‘ neither the *Védas*, nor liberality, nor sacrifices,
 ‘ nor strict observances, nor pious austerities,
 ‘ ever procure felicity.

98. ‘ He must be considered as really tri-
 ‘ umphant over his organs, who, on hearing and
 ‘ touching, on seeing and tasting and smelling,
 ‘ *what may please or offend the senses*, neither
 ‘ greatly rejoices nor greatly repines:

99. ‘ But, when one among all his organs fails,
 ‘ by that single failure his knowledge of GOD
 ‘ passes away, as water flows through one hole in
 ‘ a leathern bottle.

100. ‘ Having kept all his members *of sense*
 ‘ *and action* under control, and obtained also
 ‘ command over his heart, he will enjoy every
 ‘ advantage, even though he reduce not his body
 ‘ by religious austerities.

101. ‘ At the morning twilight, let him stand

‘ repeating the *gáyatrí*, until he see the sun ;
 ‘ and, at evening twilight, let him repeat it sitting
 ‘ until the stars distinctly appear :

102. ‘ He, who stands repeating it at the morn-
 ‘ ing twilight, removes *all unknown* nocturnal sin ;
 ‘ and he, who repeats it sitting at evening twi-
 ‘ light, disperses the taint, that has *unknowingly*
 ‘ been contracted in the day ;

103. ‘ But he, who stands not repeating it in
 ‘ the morning, and sits not repeating it in
 ‘ the evening, must be precluded, like a *Súdra*,
 ‘ from every sacred observance of the twice born
 ‘ classes.

104. ‘ Near pure water, with his organs holden
 ‘ under control, *and* retiring with circumspection
 ‘ to some unfrequented place, let him pronounce
 ‘ the *gáyatrí*, performing daily ceremonies.

105. ‘ IN reading the *Védángas*, or *grammar*,
 ‘ *prosody*, *mathematicks*, and *so forth*, or even
 ‘ such parts of the *Véda*, as ought constantly to be
 ‘ read, there is no prohibition on particular days ;
 ‘ nor in pronouncing the texts appointed for ob-
 ‘ lations to fire :

106. ‘ Of that, which must constantly be
 ‘ read, and is therefore called *Brahmasatra*,
 ‘ there can be no such prohibition ; and the ob-
 ‘ lation to fire, according to the *Véda*, produces
 ‘ good fruit, though accompanied with the text
 ‘ *vashat*, which *on other occasions* must be inter-
 ‘ mitted on certain days.

107. ‘ For him, who shall persist a whole year
 ‘ in reading the *Vēda*, his organs being kept in
 ‘ subjection, and his body pure, there will al-
 ‘ ways rise good fruit from his *offerings of milk*
 ‘ and curds, *of clarified butter and honey*.

108. ‘ LET the twice born youth, who has
 ‘ been girt with the sacrificial cord, collect wood
 ‘ for the holy fire, beg food of his relations,
 ‘ sleep on a low bed, and perform such offices as
 ‘ may please his preceptor, until his return to the
 ‘ house of his natural father.

109. ‘ Ten persons may legally be instructed
 ‘ in the *Vēda*; the son of a spiritual teacher; a
 ‘ boy, who is assiduous; one who can impart
 ‘ other knowledge; one who is just; one who is
 ‘ pure; one who is friendly; one who is power-
 ‘ ful; one who can bestow wealth; one who is
 ‘ honest; and one who is related by blood.

110. ‘ Let not a sensible teacher tell any
 ‘ *other* what he is not asked, nor what he is
 ‘ asked improperly; but let him, however in-
 ‘ telligent, act in the multitude, as if he were
 ‘ dumb:

111. ‘ Of the two persons, him, who illegally
 ‘ asks, and him, who illegally answers, one will
 ‘ die, or incur odium.

112. ‘ Where virtue, and wealth *sufficient to*
 ‘ *secure it*, are not found, or diligent attention, *at*
 ‘ *least* proportioned *to the holiness of the subject*,

‘ in that soil divine instruction must not be sown :
 ‘ it would perish, like fine seed in barren land.

113. ‘ A teacher of the *Vēda* should rather die
 ‘ with his learning, than sow it in sterile soil,
 ‘ even though he be in grievous distress for sub-
 ‘ sistence.

114. ‘ Sacred Learning, having approached a
 ‘ *Bráhmén*, said to him: “I am thy precious gem;
 “ preserve me with care; deliver me not to a
 “ scorner; (so *preserved* I shall become supremely
 “ strong.)

115. “ But communicate me, as to a vigilant
 “ depositary of thy gem, to that student, whom
 “ thou shalt know to be pure, to have subdued
 “ his passions, to perform the duties of his order.”

116. ‘ He, who shall acquire *knowledge of the*
 ‘ *Vēda*, without the assent of his preceptor, in-
 ‘ curs the guilt of stealing the scripture, and shall
 ‘ sink to the region of torment.

117. ‘ From whatever teacher a student has
 ‘ received instruction, either popular, ceremo-
 ‘ nial, or sacred, let him first salute his instructor,
 ‘ when they meet.

118. ‘ A *Bráhmén*, who completely governs
 ‘ his passions, though he know the *gáyatrí* only,
 ‘ is more honourable than he, who governs not
 ‘ his passions, who eats all *sorts of food*, and sells
 ‘ all *sorts of commodities*, even though he know
 ‘ the three *Vēdas*.

119. ‘ When a superiour sits on a couch or

‘ bench, let not an inferiour sit on it with him ;
 ‘ and, if an inferiour be fitting on a couch, let
 ‘ him rise to salute a superiour.

120. ‘ The vital spirits of a young man mount
 ‘ upwards *to depart from him*, when an elder ap-
 ‘ proaches ; but, by rising and salutation, he re-
 ‘ covers them.

121. ‘ A youth, who habitually greets and
 ‘ constantly reveres the aged, obtains an increase
 ‘ of four things ; life, knowledge, fame, strength.

122. ‘ After the word of salutation, a *Bráh-*
 ‘ *men* must address an elder, saying : “ I am such
 “ an one ;” pronouncing his own name.

123. ‘ If any persons, *through ignorance of*
 ‘ *the Sanscrit language*, understand not the im-
 ‘ port of his name, to them should a learned man
 ‘ say : “ It is I ;” and in that manner he should
 ‘ address all *classes of* women.

124. ‘ In the salutation he should pronounce,
 ‘ after his own name, the vocative particle *bhós* ;
 ‘ for the particle *bhós* is held by the wise to have
 ‘ the same property with names *fully expressed*.

125. ‘ A *Bráhmen* should thus be saluted in
 ‘ return : “ May’st thou live long, excellent
 “ man !” and, at the end of his name, the vowel
 ‘ and preceding consonant should be lengthened,
 ‘ *with an accute accent*, to three syllabick mo-
 ‘ ments, *or short vowels*.

126. ‘ That *Bráhmen*, who knows not the

‘ form of returning a salutation, must not be saluted by a man of learning : as a *Súdra*, even so is he.

127. ‘ Let a learned man ask a priest, when he meets him, if his devotion prospers ; a warrior, if he is unhurt ; a merchant, if his wealth is secure ; and one of the servile class, if he enjoys good health ; *using respectively the words*, *cus’alam*, *anámamayam*, *cs’hémam*, and *árógyam*.

128. ‘ He, who has just performed a solemn sacrifice and ablution, must not be addressed by his name, even though he be a younger man ; but he, who knows the law, should accost him with the vocative particle, or with *bhavat*, the pronoun of respect.

129. ‘ To the wife of another, and to any woman not related by blood, he must say, “ *bhavati*, and amiable sister.”

130. ‘ To his uncles paternal and maternal, to his wife’s father, to performers of the sacrifice, and to spiritual teachers, he must say : “ I am such an one ”—rising up to salute them, even though younger than himself.

131. ‘ The sister of his mother, the wife of his maternal uncle, his own wife’s mother, and the sister of his father, must be saluted like the wife of his father or preceptor : they are equal to his father’s or his preceptor’s wife.

132. ‘ The wife of his brother, if she be of
‘ the same class, must be saluted every day; but
‘ his paternal and maternal kinswomen need only
‘ be greeted on his return from a journey.

133. ‘ With the sister of his father and of his
‘ mother, and with his own elder sister, let him
‘ demean himself as with his mother; though
‘ his mother be more venerable than they.

134. ‘ Fellow citizens are equal for ten years;
‘ dancers and singers, for five; learned theolo-
‘ gians, for less than three; but persons related
‘ by blood, for a short time: *that is, a greater*
‘ *difference of age destroys their equality.*

135. ‘ The student must consider a *Bráhmén*,
‘ though but ten years old, and a *Cshatriya*,
‘ though aged a hundred years, as father and
‘ son; as between those two, the young *Bráhmén*
‘ is *to be respected as the father.*

136. ‘ Wealth, kindred, age, moral conduct,
‘ and, fifthly, divine knowledge, entitle men to
‘ respect; but that, which is last mentioned in
‘ order, is the most respectable.

137. ‘ Whatever man of the three *highest*
‘ classes possesses the most of those five, both in
‘ number and degree, that man is entitled to most
‘ respect; even a *Súdra*, if he have entered the
‘ tenth decad of his age.

138. ‘ Way must be made for a man in a
‘ wheeled carriage, or above ninety years old, or

‘ afflicted with disease, or carrying a burden; for
 ‘ a woman; for a priest just returned from the
 ‘ mansion of his preceptor; for a prince, and for
 ‘ a bridegroom :

139. ‘ Among all those, if they be met at
 ‘ one time, the priest just returned home and the
 ‘ prince are most to be honoured; and of those
 ‘ two, the priest just returned should be treated
 ‘ with more respect than the prince.

140. ‘ That priest, who girds his pupil with
 ‘ the sacrificial cord, and afterwards instructs him
 ‘ in the whole *Véda*, with the law of sacrifice and
 ‘ the sacred *Upanishads*, holy sages call an *áčbárya*:

141. ‘ But he, who, for his livelihood, gives
 ‘ instruction in a part only of the *Véda*, or in
 ‘ grammar, and other *Védángas*, is called an
 ‘ *upádhyáya*, or sublecturer.

142 ‘ The father, who performs the cere-
 ‘ monies on conception and the like, according
 ‘ to law, and who nourishes the child with his
 ‘ first rice, has the epithet of *guru*, or venerable.

143. ‘ He, who receives a stipend for prepar-
 ‘ ing the holy fire, for conducting the *páca* and
 ‘ *agnishtóma* and for performing other sacrifices,
 ‘ is called in this code the *rítwij* of his employer.

144. ‘ He, who truly and faithfully fills both
 ‘ ears with the *Véda*, must be considered as
 ‘ equal to a mother; He must be revered as a
 ‘ father; Him the pupil must never grieve.

145. ‘ A mere *áčhára*, or a teacher of the
 ‘ *gáyatrí* only, surpasses ten *upádhyáyas*; a fa-
 ‘ ther, a hundred such *áčharyas*; and a mother,
 ‘ a thousand natural fathers.

146. ‘ Of him, who gives natural birth, and
 ‘ him, who gives knowledge of the whole *Véda*,
 ‘ the giver of sacred knowledge is the more ve-
 ‘ nerable father; since the *second* or divine birth
 ‘ ensures life to the twice born both in this world
 ‘ and hereafter eternally.

147. Let a man consider that as a mere hu-
 ‘ man birth, which his parents gave him for
 ‘ their mutual gratification, and which he re-
 ‘ ceives after lying in the womb;

148. ‘ But that birth, which his principal
 ‘ *áčhára* who knows the whole *Véda*, procures
 ‘ for him by his *divine mother* the *Gáyatrí*, is a
 ‘ true birth: that birth is exempt from age and
 ‘ from death.

149. ‘ Him, who confers on a man the be-
 ‘ nefit of sacred learning, whether it be little or
 ‘ much, let him know to be here named *guru*,
 ‘ or *venerable father*, in consequence of that hea-
 ‘ venly benefit.

150. ‘ A *Bráhmén*, who is the giver of spiri-
 ‘ tual birth, the teacher of prescribed duty, is by
 ‘ right *called* the father of an old man, though
 ‘ himself be a child.

151. ‘ *CAVI*, or *the learned*, child of *ANGIRAS*,

‘ taught his paternal uncles and cousins to read the
 ‘ *Véda*, and, excelling them in divine knowledge,
 ‘ said to them “ little sons:”

152. ‘ They, moved with resentment, asked
 ‘ the Gods the meaning of that *expression*; and
 ‘ the Gods, being assembled, answered them;
 ‘ The child has addressed you properly;

153. “ For an unlearned man is in truth a
 “ child; and he, who teaches him the *Véda*, is
 “ his father: holy sages have always said child
 “ to an ignorant man, and father to a teacher of
 “ scripture.”

154. ‘ Greatness is not conferred by years,
 ‘ not by gray hairs, not by wealth, not by power-
 ‘ ful kindred; the divine sages have established
 ‘ this rule: “ Whoever has read the *Védas* and
 “ their *Angas*, He among us is great.”

155. ‘ The seniority of priests is from sacred
 ‘ learning; of warriors, from valour; of mer-
 ‘ chants, from abundance of grain; of the servile
 ‘ class, only from priority of birth.

156. ‘ A man is not therefore aged, because
 ‘ his head is gray: him, surely, the Gods confi-
 ‘ dered as aged, who, though young in years, has
 ‘ read *and understands* the *Véda*.

157. ‘ As an elephant made of wood, as an
 ‘ antelope made of leather, such is an unlearned
 ‘ *Brahmen*: those three have nothing but names.

158. ‘ As an eunuch is unproductive with

‘ women, as a cow with a cow is unprolific, as
‘ liberality to a fool is fruitless, so is a *Bráhmén*
‘ useless, if he read not the holy texts.

159. ‘ Good instruction must be given with-
‘ out pain to the instructed; and sweet gentle
‘ speech must be used by a preceptor, who
‘ cherishes virtue.

160. ‘ He, whose discourse and heart are
‘ pure, and ever perfectly guarded, attains all
‘ the fruit arising from his complete course of
‘ studying the *Véda*.

161. ‘ Let not a man be querulous, even
‘ though in pain: let him not injure another in
‘ deed or in thought; let him not even utter a
‘ word, by which his fellow creature may suffer
‘ uneasiness; since that will obstruct his own
‘ progress to future beatitude.

162. ‘ A *Bráhmén* should constantly shun
‘ worldly honour, as he would shun poison;
‘ and rather constantly seek disrespect, as he
‘ would seek nectar;

163. ‘ For though scorned, he may sleep with
‘ pleasure; with pleasure may he awake; with
‘ pleasure may he pass through this life: but the
‘ scorner utterly perishes.

164. ‘ Let the twice born youth, whose soul
‘ has been formed by this regular succession of
‘ prescribed acts, collect by degrees, while he
‘ dwells with his preceptor, the devout habits
‘ proceeding from the study of scripture.

165. ‘ With various modes of devotion, and
 ‘ with austerities ordained by the law, must the
 ‘ whole *Véda* be read, and above all the sacred
 ‘ *Upanishads*, by him, who has received a new
 ‘ birth.

166. ‘ Let the best of the twice born classes,
 ‘ intending to practise devotion, continually re-
 ‘ peat the reading of scripture; since a repetition
 ‘ of reading the scripture is here styled the
 ‘ highest devotion of a *Bráhmén*:

167. ‘ Yes verily; that student in theology
 ‘ performs the highest act of devotion ~~with~~ *his*
 ‘ *whole body* to the extremities of his nails, even
 ‘ though he *be so far sensual as to* wear a chaplet
 ‘ of sweet flowers, who to the utmost of his abi-
 ‘ lity daily reads the *Véda*.


168. ‘ A twice born man, who, not having
 ‘ studied the *Véda*, applies diligent attention to
 ‘ a different *and worldly* study, soon falls, even
 ‘ when living, to the condition of a *Súdra*; and
 ‘ his descendants after him.

169. ‘ The first birth is from a natural mother;
 ‘ the second, from the ligation of the zone; the
 ‘ third, from the due performance of the sacri-
 ‘ fice; such are the births of him, who is usually
 ‘ called twice born, according to the text of the
 ‘ *Véda*:

170. ‘ Among them his divine birth is that,
 ‘ which is distinguished by the ligation of the
 ‘ zone *and sacrificial cord*; and in that *birth* the

‘ *Gáyatri* is his mother, and the *A'chárya*, his
 ‘ father.

171. ‘ Sages call the *A'chárya* father from his
 ‘ giving instruction in the *Véda*: nor can any
 ‘ holy rite be performed by a young man before
 ‘ his investiture.

172. ‘ *Till he be invested with the signs of his*
 ‘ *class*, he must not pronounce any sacred text,
 ‘ except what ought to be used in obsequies to
 ‘ an ancestor; since he is on a level with a *Súdra*
 ‘ before his new birth from the revealed scrip-
 ‘ ture: 

173. ‘ From him, who has been duly invested,
 ‘ are required both the performance of devout
 ‘ acts, and the study of the *Véda* in order, pre-
 ‘ ceded by stated ceremonies.

174. ‘ Whatever sort of leathern mantle, sa-
 ‘ crificial thread, and zone, whatever staff, and
 ‘ whatever under-apparel are ordained, *as before*
 ‘ *mentioned*, for a youth of each class, the like
 ‘ must also be used in his religious acts.

175. ‘ These following rules must a *Brahma-*
 ‘ *chári*, or *student in theology*, observe, while he
 ‘ dwells with his preceptor; keeping all his
 ‘ members under control, for the sake of increas-
 ‘ ing his habitual devotion.

176. ‘ Day by day, having bathed and being
 ‘ purified, let him offer fresh water to the Gods,
 ‘ the Sages, and the Manes; let him show respect

‘ to the images of the deities, and bring wood
 ‘ for the oblation to fire.

177. ‘ Let him abstain from honey, from
 ‘ flesh meat, from perfumes, from chaplets of
 ‘ flowers, from sweet vegetable juices, from wo-
 ‘ men, from all sweet substances turned acid,
 ‘ and from injury to animated beings ;

178. ‘ From unguents for his limbs, and from
 ‘ black powder for his eyes, from wearing fan-
 ‘ dals and carrying an umbrella, from sensual
 ‘ desire, from wrath, from covetousness, from
 ‘ dancing, and from vocal and instrumental
 ‘ music ;

179. ‘ From gaming, from disputes, from de-
 ‘ traction, and from falsehood, from embracing
 ‘ or wantonly looking at women, and from dis-
 ‘ service to other men.

180. ‘ Let him sleep constantly alone : let
 ‘ him never waste his own manhood ; for he,
 ‘ who voluntarily wastes his manhood, violates
 ‘ the rule of his order, *and becomes an avacírní* :

181. ‘ A twice born youth, who has involun-
 ‘ tarily wasted his manly strength during sleep,
 ‘ must repeat with reverence, having bathed and
 ‘ paid homage to the sun, this text of scripture :
 ‘ “ *Again let my strength return to me.* ”

182. ‘ Let him carry water-pots, flowers,
 ‘ cow-dung, fresh earth, and *cus’a*-glafs, as much
 ‘ as may be useful to his preceptor ; and let him

‘ perform every day the duty of a religious mendicant.

183. ‘ Each day must a *Bráhmén* student receive his food by begging, with due care, from the houses of persons renowned for discharging their duties, and not deficient in performing the sacrifices, which the *Véda* ordains.

184. ‘ Let him not beg from the cousins of his preceptor ; nor from his own cousins ; nor from other kinsmen by the father’s side, or by the mother’s ; but, if other houses be not accessible, let him begin with the last of those in order, avoiding the first ;

185. ‘ Or, if none of those *houses* just mentioned can be found, let him go begging through the whole district round the village, keeping his organs in subjection, and remaining silent : but let him turn away from such, as have committed any deadly sin.

186. ‘ Having brought logs of wood from a distance, let him place them in the open air ; and with them let him make an oblation to fire, without remissness, both evening and morning.

187. ‘ He, who for seven successive days omits the ceremony of begging food, and offers not wood to the sacred fire, must perform the penance of an *avacírni*, unless he be afflicted with illness.

188. ‘ Let the student persist constantly in
 ‘ such begging, but let him not eat the food of
 ‘ one person only : the subsistence of a student
 ‘ by begging is held equal to fasting *in religious*
 ‘ *merit*.

189. ‘ Yet, when he is asked on a solemn act
 ‘ in honour of the Gods or the Manes, he may
 ‘ eat at his pleasure the food of a single person ;
 ‘ observing, however, the laws of abstinence and
 ‘ the austerity of an anchorite : thus the rule of
 ‘ his order is kept inviolate.

190. ‘ This duty of a mendicant is ordained
 ‘ by the wise for a *Bráhmén* only ; but no such
 ‘ act is appointed for a warrior or for a mer-
 ‘ chant.

191. ‘ Let the scholar, when commanded
 ‘ by his preceptor, and even when he has re-
 ‘ ceived no command, always exert himself in
 ‘ reading, and in all acts useful to his teacher.

192. ‘ Keeping in due subjection his body,
 ‘ his speech, his organs of sense, and his heart,
 ‘ let him stand, with the palms of his hands
 ‘ joined, looking at the face of his preceptor.

193. ‘ Let him always keep his right arm
 ‘ uncovered, be always decently apparelled, and
 ‘ properly composed ; and, when his instructor
 ‘ says “ be seated,” let him sit opposite to his
 ‘ venerable guide.

194. ‘ In the presence of his preceptor let

‘ him always eat less, and wear a coarser mantle
‘ with worse appendages: let him rise before, and
‘ go to rest after, his tutor.

195. ‘ Let him not answer his teacher’s orders, or converse with him, reclining on a bed;
‘ nor sitting, nor eating, nor standing, nor with
‘ an averted face.

196. ‘ But let him both *answer and converse*,
‘ if his preceptor sit, standing up; if he stand,
‘ advancing toward him; if he advance, meeting
‘ him; if he run, hastening after him.

197. ‘ If his face be averted, going round to
‘ front him, *from left to right*; if he be at a little
‘ distance, approaching him; if reclined, bending
‘ to him; and, if he stand ever so far off, running
‘ toward him.

198. ‘ When his teacher is nigh, let his couch
‘ or his bench be always placed low: when his
‘ preceptor’s eye can observe him, let him not sit
‘ carelessly at ease.

199. ‘ Let him never pronounce the mere
‘ name of his tutor, even in his absence; nor
‘ ever mimick his gait, his speech, or his
‘ manner.

200. ‘ In whatever place, either true but censorious, or false and defamatory, discourse is
‘ held concerning his teacher, let him there cover
‘ his ears, or remove to another place.

201. ‘ By censuring his preceptor, though
 ‘ justly, he will be born an afs; by falsely de-
 ‘ faming him, a dog; by using his goods with-
 ‘ out leave, a small worm; by envying his merit,
 ‘ a larger infect or reptile.

202. ‘ He must not serve his tutor by the in-
 ‘ tervention of another, while himself stands
 ‘ aloof; nor must he attend him in a passion, nor
 ‘ when a woman is near: from a carriage or
 ‘ raised seat he must descend to salute his
 ‘ heavenly director.

203. ‘ Let him not sit with his preceptor to
 ‘ the leeward or to the windward of him; nor
 ‘ let him say any thing, which the venerable man
 ‘ cannot hear.

204. ‘ He may sit with his teacher in a car-
 ‘ riage drawn by bulls, horses, or camels; on a
 ‘ terrace, on a pavement of stones, or on a mat
 ‘ of woven grafs; on a rock, on a wooden
 ‘ bench, or in a boat.

205. ‘ When his tutor’s tutor is near, let
 ‘ him demean himself as if his own were
 ‘ present; nor let him, unless ordered by his
 ‘ spiritual father, prostrate himself *in his pre-*
 ‘ *sence* before his natural father, or paternal uncle.

206. ‘ This is likewise ordained as his constant
 ‘ behaviour toward his other instructors in sci-
 ‘ ence; toward his elder paternal kinsmen; to-

ward all, who may restrain him from sin, and
all who give him salutary advice.

207. 'Toward men also, who are truly virtuous, let him always behave as toward his preceptor; and in like manner toward the sons of his teacher, who are entitled to respect *as older men, and are not students*; and toward the paternal kinsmen of his venerable tutor.

208. 'The son of his preceptor, whether younger or of equal age, or a student, if he be capable of teaching the *Véda*, deserves the same honour with the preceptor himself, *when he is present* at any sacrificial act:

209. 'But he must not perform for the son of his teacher the duty of rubbing his limbs, or of bathing him, or of eating what he leaves, or of washing his feet.

210. 'The wives of his preceptor, if they be of the same class, must receive equal honour with their venerable husband; but, if they be of a different class, they must be honoured only by rising and salutation.

211. 'For no wife of his teacher must he perform the offices of pouring scented oil on them, of attending them while they bathe, of rubbing their legs and arms, or of decking their hair;

212. 'Nor must a young wife of his preceptor be greeted even by the ceremony of touch-

‘ ing his feet, if he have completed his twentieth
 ‘ year, or can distinguish virtue from vice.

213. ‘ It is the nature of women in this world
 ‘ to cause the seduction of men ; for which rea-
 ‘ son the wise are never unguarded in the com-
 ‘ pany of females :

214. ‘ A female, indeed, is able to draw from
 ‘ the right path in this life not a fool only, but
 ‘ even a sage, and can lead him in subjection to
 ‘ desire or to wrath.

215. ‘ Let not a man, therefore, sit in a se-
 ‘ questered place with his nearest female rela-
 ‘ tions : the assemblage of corporeal organs is
 ‘ powerful enough to snatch wisdom from the
 ‘ wife.

216. ‘ A young student may, as the law di-
 ‘ rects, make prostration at his pleasure on the
 ‘ ground before a young wife of his tutor, saying :
 ‘ “ I am such an one ; ”

217. ‘ And, on his return from a journey, he
 ‘ must once touch the feet of his preceptor’s
 ‘ *aged* wife, and salute her each day by prostra-
 ‘ tion, calling to mind the practice of virtuous
 ‘ men.

218. ‘ As he, who digs deep with a spade,
 ‘ comes to a spring of water, so the student, who
 ‘ humbly serves his teacher, attains the know-
 ‘ ledge which lies deep in his teacher’s mind.

219. ‘ WHETHER his head be shorn, or his
 ‘ hair long, or one lock be bound above in a
 ‘ knot, let not the sun ever set or rise, while he
 ‘ lies asleep in the village.

220. ‘ If the sun should rise or set, while he
 ‘ sleeps through sensual indulgence, and knows
 ‘ it not; he must fast a whole day repeating the
 ‘ *gāyatrī*:

221. ‘ He, who has been surprised asleep by
 ‘ the setting or by the rising sun, and performs
 ‘ not that penance, incurs great guilt.

222. ‘ Let him adore GOD both at sunrise
 ‘ and at sunset, as the law ordains, having made
 ‘ his ablution and keeping his organs controlled;
 ‘ and, with fixed attention, let him repeat the
 ‘ text, which he ought to repeat, in a place free
 ‘ from impurity.

223. ‘ If a woman or a *Súdra* perform any
 ‘ act leading to the chief temporal good, let the
 ‘ student be careful to emulate it; and he may do
 ‘ whatever gratifies his heart, unless it be for-
 ‘ bidden by law:

224. ‘ The chief temporal good is by some
 ‘ declared to consist in virtue and wealth; by
 ‘ some, in wealth and lawful pleasure; by
 ‘ some, in virtue alone; by others, in wealth
 ‘ alone; but the chief good here below is an
 ‘ assemblage of all three: this is a sure decision.

225. ‘ A TEACHER of the *Véda* is the image
 ‘ of GOD ; a natural father, the image of BRAH-
 ‘ MA’ ; a mother, the image of the earth ; an
 ‘ elder whole brother, the image of the soul :

226. ‘ Therefore, a spiritual and a natural fa-
 ‘ ther, a mother, and an elder brother, are not
 ‘ to be treated with disrespect, especially by a
 ‘ *Bráhmén*, though the student be grievously
 ‘ provoked.

227. ‘ That pain and care, which a mother
 ‘ and father undergo in producing and rearing
 ‘ children, cannot be compensated in an hundred
 ‘ years.

228. ‘ Let every man constantly do what may
 ‘ please his parents, and on all occasions what
 ‘ may please his preceptor : when those three
 ‘ are satisfied, his whole course of devotion is
 ‘ accomplished.

229. ‘ Due reverence to those three is con-
 ‘ sidered as the highest devotion ; and without
 ‘ their approbation he must perform no other
 ‘ duty.

230. ‘ Since they alone are held equal to
 ‘ the three worlds ; they alone, to the principal
 ‘ orders ; they alone, to the three *Védas* ; they
 ‘ alone, to the three fires :

231. ‘ The natural father is considered as the
 ‘ *gárbapatya*, or nuptial fire ; the mother, as the

‘ *dacshina*, or ceremonial ; the spiritual guide, as
 ‘ the *ābhavaniya*, or sacrificial : this triad of fires
 ‘ is most venerable.

232. ‘ He, who neglects not those three, when
 ‘ he becomes a housekeeper will ultimately ob-
 ‘ tain dominion over the three worlds ; and, his
 ‘ body being irradiated like a God, he will enjoy
 ‘ supreme bliss in heaven.

233. ‘ By honouring his mother he gains this
 ‘ *terrestrial* world ; by honouring his father, the
 ‘ intermediate, or *etherial* ; and, by assiduous at-
 ‘ tention to his preceptor, even the *celestial* world
 ‘ of BRAHMA :

234. ‘ All duties are completely performed by
 ‘ that man, by whom those three are completely
 ‘ honoured ; but to him, by whom they are dis-
 ‘ honoured, all other acts of duty are fruit-
 ‘ less.

235. ‘ As long as those three live, so long he
 ‘ must perform no other duty *for his own sake* ;
 ‘ but, delighting in what may conciliate their af-
 ‘ fections and gratify their wishes, he must from
 ‘ day to day assiduously wait on them :

236. ‘ Whatever duty he may perform in
 ‘ thought, word, or deed, with a view to the
 ‘ next world, without derogation from his re-
 ‘ spect to them, he must declare to them his en-
 ‘ tire performance of it.

237. ‘ By honouring those three, without
 ‘ more, a man effectually does whatever ought
 ‘ to be done: this is the highest duty, appearing
 ‘ before us like *DHERMA* himself, and every
 ‘ other act is an *Upadherma*, or subordinate duty.

238. ‘ A believer in scripture may receive
 ‘ pure knowledge even from a *Súdra*; a lesson
 ‘ of the highest virtue, even from a *Chándala*;
 ‘ and a woman bright as a gem, even from the
 ‘ basest family:

239. ‘ Even from poison may nectar be taken;
 ‘ even from a child, gentleness of speech; even
 ‘ from a foe, prudent conduct; and even from an
 ‘ impure substance, gold.

240. ‘ From every quarter, therefore, must
 ‘ be selected women bright as gems, knowledge,
 ‘ virtue, purity, gentle speech, and various liberal
 ‘ arts.

241. ‘ IN case of necessity, a student is re-
 ‘ quired to learn the *Véda* from one who is not
 ‘ a *Bráhmen*, and, as long as that instruction con-
 ‘ tinues, to honour his instructor with obsequious
 ‘ assiduity;

242. ‘ But a pupil, who seeks the incompa-
 ‘ rable path to heaven, should not live to the
 ‘ end of his days in the dwelling of a preceptor,
 ‘ who is no *Bráhmen*, or who has not read all the
 ‘ *Védas* with their *Angas*.

243. ‘ If he anxiously desire to pass his whole
‘ life in the house of a sacerdotal teacher, he
‘ must serve him with assiduous care, till he be
‘ released from his mortal frame:

244. ‘ That *Bráhmén*, who has dutifully at-
‘ tended his preceptor till the dissolution of his
‘ body, passes directly to the eternal mansion of
‘ GOD.

245. ‘ LET not a student, who knows his
‘ duty, present any gift to his preceptor *before his*
‘ *return home*; but when, by his tutor’s per-
‘ mission, he is going to perform the ceremony
‘ on his return, let him give the venerable man
‘ some valuable thing to the best of his power;

246. ‘ A field, or gold, a jewel, a cow, or a
‘ horse, an umbrella, a pair of sandals, a stool,
‘ corn, cloths, or even any very excellent vege-
‘ table: thus will he gain the affectionate re-
‘ membrance of his instructor.

247. ‘ The student for life must, if his teacher
‘ die, attend on his virtuous son, or his widow,
‘ or on one of his paternal kinsmen, with the
‘ same respect, which he showed to the liv-
‘ ing:

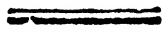
248. ‘ Should none of those be alive, he must
‘ occupy the station of his preceptor, the seat, and
‘ the place of religious exercises; must conti-
‘ nually pay due attention to the fires, which he

‘ had consecrated; and must prepare his own
‘ soul for heaven.

249. ‘ The twice born man, who shall thus
‘ without intermission have passed the time of his
‘ studentship, shall ascend after death to the most
‘ exalted of regions, and no more again spring
‘ to birth in this lower world.

CHAPTER THE THIRD.

On Marriage ; or, on the Second Order.



1. THE discipline of a student in the three
‘ *Vēdas* may be continued for thirty-six years,
‘ in the house of his preceptor; or for half that
‘ time, or for a quarter of it, or until he per-
‘ fectly comprehend them :

2. ‘ A student, whose rules have not been
‘ violated, may assume the order of a married
‘ man, after he has read in succession a *śác’há*,
‘ or branch, from each of the three, or from
‘ two, or from any one of them.

3. ‘ Being justly applauded for the strict per-
‘ formance of his duty, and having received from
‘ his *natural or spiritual* father the sacred gift of
‘ the *Vēda*, let him sit on an elegant bed, decked
‘ with a garland of flowers; and let his father
‘ honour him, before his nuptials, with a present
‘ of a cow.

4. ‘ Let the twice born man, having obtained
‘ the consent of his venerable guide, and having
‘ performed his ablution with stated ceremo-
‘ nies on his return home, as the law directs,

‘ espouse a wife of the same class with himself
 ‘ and endued with the marks of excellence.

5. ‘ She, who is not descended from his *pa-*
 ‘ *ternal or maternal* ancestors within the sixth
 ‘ degree, and who is not *known by the family name*
 ‘ *to be* of the same primitive stock with his father
 ‘ *or mother*, is eligible by a twice born man for
 ‘ nuptials and holy union :

6. ‘ In connecting himself with a wife, let him
 ‘ studiously avoid the ten following families, be
 ‘ they ever so great, or ever so rich in kine, goats,
 ‘ sheep, gold, and grain:

7. ‘ The family, which has omitted prescribed
 ‘ acts of religion; that, which has produced no
 ‘ male children; that, in which the *Véda* has
 ‘ not been read; that, which has thick hair on
 ‘ the body; and those, which have been subject
 ‘ to hemorrhoids, to phthisis, to dyspepsia, to
 ‘ epilepsy, to leprosy, and to elephantiasis.

8. ‘ Let him not marry a girl with reddish
 ‘ hair, nor with any deformed limb; nor one
 ‘ troubled with habitual sickness; nor one either
 ‘ with no hair or with too much; nor one im-
 ‘ moderately talkative; nor one with inflamed
 ‘ eyes;

9. ‘ Nor one with the name of a constellation,
 ‘ of a tree, or of a river, of a barbarous nation,
 ‘ or of a mountain, of a winged creature, a snake,
 ‘ or a slave; nor one with any name raising and
 ‘ image of terror.

10. ‘ Let him chuse for his wife a girl,
 ‘ whose form has no defect ; who has an agree-
 ‘ able name ; who walks *gracefully* like a pheni-
 ‘ copteros or like a young elephant ; whose hair
 ‘ and teeth are moderate respectively in quan-
 ‘ tity and in size ; whose body has exquisite
 ‘ softness.

11. ‘ Her, who has no brother, or whose fa-
 ‘ ther is not well known, let no sensible man
 ‘ espouse, through fear lest, *in the former case*,
 ‘ her father should take her first son as his own
 ‘ to perform his obsequies ; or, *in the second*
 ‘ case, lest an illicit marriage should be con-
 ‘ tracted.

12. ‘ For the first marriage of the twice born
 ‘ classes a woman of the same class is recom-
 ‘ mended ; but for such, as are impelled by
 ‘ inclination to marry again, women in the di-
 ‘ rect order of the classes are to be preferred :

13. ‘ A *Súdra* woman only must be the wife
 ‘ of a *Súdra* ; she and a *Vaisya*, of a *Vaisya* ; they
 ‘ two and a *Cshatriya*, of a *Cshatriya* ; those two
 ‘ and a *Bráhmaṇi*, of a *Bráhmaṇi*.

14 ‘ A woman of the servile class is not
 ‘ mentioned, even in the recital of any ancient
 ‘ story, as the first wife of a *Bráhmaṇi* or of a *Csha-*
 ‘ *triya*, though in the greatest difficulty to find a
 ‘ suitable match.

15. ‘ Men of the twice born classes, who,

‘ through weakness of intellect, irregularly marry
 ‘ women of the lowest class, very soon degrade
 ‘ their families and progeny to the state of *Súdras*:

16. ‘ According to ATRI and to (GO'TAMA)
 ‘ the son of UTAT'HYA, he, who *thus* marries a
 ‘ woman of the servile class, *if he be a priest*, is
 ‘ degraded instantly; according to SAUNACA, on
 ‘ the birth of a son, *if he be a warrior*; and,
 ‘ *if he be a merchant*, on the birth of a son's son,
 ‘ according to (me) BHRĪGU.

17. ‘ A *Bráhmén*, if he take a *Súdra* to his
 ‘ bed, *as his first wife*, sinks to the regions of tor-
 ‘ ment; if he beget a child by her, he loses even
 ‘ his priestly rank:

18. ‘ His sacrifices to the Gods, his oblations
 ‘ to the Manes, and his hospitable attentions to
 ‘ strangers, must be supplied principally by her;
 ‘ but the Gods and Manes will not eat such of-
 ‘ ferings; nor can heaven be attained by such
 ‘ hospitality.

19. ‘ For the crime of him, who *thus illegally*
 ‘ drinks the moisture of a *Súdra's* lips, who is
 ‘ tainted by her breath, and who even begets a
 ‘ child on her body, the law declares no ex-
 ‘ piation.

20. ‘ Now learn compendiously the eight
 ‘ forms of the nuptial ceremony used by the
 ‘ four classes, some good and some bad in this
 ‘ world and in the next:

21. ‘The ceremony of BRAHMA’, of the *Dévas*,
 ‘of the *Rīṣbis*, of the *Prajápatis*, of the *Aśuras*,
 ‘of the *Gandharvas*, and of the *Racśhasas*; the
 ‘eighth and basest is that of the *Pisáchas*.

22. ‘Which of them is permitted by law to
 ‘each class, and what are the good and ‘bad pro-
 ‘perties of each ceremony, all this I will fully
 ‘declare to you, together with the qualities, good
 ‘and bad, of the offspring.

23. ‘Let mankind know, that *the six first* in
 ‘direct order are *by some held* valid in the case
 ‘of a priest; the four last in that of a warrior;
 ‘and the same four, except the *Racśhasa* mar-
 ‘riage, in the cases of a merchant and a man of
 ‘the servile class:

24. ‘Some consider the four first only as ap-
 ‘proved in the case of a priest; one, that of *Racśh-*
 ‘*asas*, as peculiar to the soldier; and, that of *Aśu-*
 ‘*ras*, to a mercantile and a servile man:

25. ‘But in this code, three of *the five last*
 ‘are held legal, and two illegal: the ceremonies
 ‘of *Pisáchas* and *Aśuras* must never be per-
 ‘formed.

26. ‘For a military man the beforementioned
 ‘marriages of *Gandharvas* and *Racśhasas*, whether
 ‘separate, or mixed, *as when a girl is made cap-*
 ‘*tive by her lover, after a victory over her kins-*
 ‘*men*, are permitted by law.

27. ‘The gift of a daughter, clothed only with

‘ a single robe, to a man learned in the *Vêda*,
 ‘ whom her father voluntarily invites and re-
 ‘ spectfully receives, is the nuptial rite called
 ‘ *Brábma*.

28. ‘ The rite, which sages call *Daiva*, is
 ‘ the gift of a daughter, whom her father has
 ‘ decked in gay attire, when the sacrifice is al-
 ‘ ready begun, to the officiating priest, who per-
 ‘ forms that act of religion.

29. ‘ When the father gives his daughter
 ‘ away, after having received from the bride-
 ‘ groom one pair of kine, or two pairs, for uses
 ‘ prescribed by law, that marriage is termed *A'rsha*.

30. ‘ The nuptial rite called *Prájápatya* is
 ‘ when the father gives away his daughter with
 ‘ due honour, saying distinctly: “ May both of
 ‘ you perform together your civil and religious
 ‘ duties !”

31. ‘ When the bridegroom, having given as
 ‘ much wealth as he can afford to the father and
 ‘ paternal kinsmen, and to the damsel herself,
 ‘ takes her voluntarily as his bride, that marriage
 ‘ is named *A'sura*.

32. ‘ The reciprocal connection of a youth
 ‘ and a damsel, with mutual desire, is the mar-
 ‘ riage denominated *Gándharva*, contracted for
 ‘ the purpose of amorous embraces, and proceed-
 ‘ ing from sensual inclination.

33. ‘ The seizure of a maiden by force from

‘ her house, while she weeps and calls for assist-
 ‘ ance, after her kinsmen and friends have
 ‘ been slain in battle, or wounded, and their
 ‘ houses broken open, is the marriage styled
 ‘ *Rácshasa*.

34. ‘ When the lover secretly embraces the
 ‘ damsel, either sleeping or flushed with strong
 ‘ liquor, or disordered in her intellect, that sin-
 ‘ ful marriage, called *Paisácha*, is the eighth and
 ‘ the basest.

35. ‘ The gift of daughters in marriage by the
 ‘ sacerdotal class is most approved, when they
 ‘ previously have poured water into the hands
 ‘ of the bridegroom; but the ceremonies of the
 ‘ other classes may be performed according to
 ‘ their several fancies.

36. ‘ Among these nuptial rites, what qua-
 ‘ lity is ascribed by MENU to each, hear now, ye
 ‘ *Bráhmens*, hear it all from me, who fully de-
 ‘ clare it !

37. ‘ The son of a *Bráhmì*, or wife by the
 ‘ first ceremony, redeems from sin, if he per-
 ‘ form virtuous acts, ten ancestors, ten descend-
 ‘ ants, and himself the twenty-first person.

38. ‘ A son, born of a wife by the *Daiva*
 ‘ nuptials, redeems seven and seven in higher
 ‘ and lower degrees; of a wife by the *Arsha*,
 ‘ three and three; of a wife by the *Prájápatya*,
 ‘ six and six.

39. ‘ By four marriages, the *Bráhma* and so forth, in direct order, are born sons illumined by the *Vèda*, learned men, beloved by the learned,

40. ‘ Adorned with beauty, and with the quality of goodness, wealthy, famed, amply gratified with lawful enjoyments, performing all duties, and living a hundred years:

41. ‘ But in the other *four* base marriages, which remain, are produced sons acting cruelly, speaking falsely, abhorring the *Vèda*, and the duties prescribed in it.

42. ‘ From the blameless nuptial rites of men springs a blameless progeny; from the reprehensible, a reprehensible offspring: let mankind, therefore, studiously avoid the culpable forms of marriage.

43. ‘ The ceremony of joining hands is appointed for those, who marry women of their own class; but, with women of a different class, the following nuptial ceremonies are to be observed:

44. ‘ By a *Cshatriyà*, on her marriage with a *Bráhmen*, an arrow must be held in her hand; by a *Vaisya* woman, with a bridegroom of the sacerdotal or military class, a whip; and by a *Súdrà* bride, marrying a priest, a soldier, or a merchant, must be held the skirt of a mantle.

45. ‘ LET the husband approach his wife in

‘ due season, *that is, at the time fit for pregnancy*;
 ‘ let him be constantly satisfied with her alone;
 ‘ but, except on the forbidden days of the moon,
 ‘ he may approach her, being affectionately disposed, *even out of due season*, with a desire of
 ‘ conjugal intercourse.

46. ‘ Sixteen days and nights in each month,
 ‘ with four distinct days neglected by the virtuous, are called the natural season of women:

47. ‘ Of those sixteen, the four first, the
 ‘ eleventh, and the thirteenth, are reprehended:
 ‘ the ten remaining nights are approved.

48. ‘ Some say, that on the even nights are
 ‘ conceived sons; on the odd nights, daughters:
 ‘ therefore let the man, who wishes for a son,
 ‘ approach his wife in due season on the even
 ‘ nights;

49. ‘ But a boy is in truth produced by the
 ‘ greater quantity of the male strength; and a
 ‘ girl, by the greater quantity of the female; by
 ‘ equality, an hermaphrodite, or a boy and a
 ‘ girl; by weakness or deficiency, is occasioned
 ‘ a failure of conception.

50. ‘ He, who avoids conjugal embraces on
 ‘ the six reprehended nights and on eight others,
 ‘ is equal in chastity to a *Brabmachári*, in which-
 ‘ ever of the *two next* orders he may live.

51. ‘ LET no father, who knows the law, receive a gratuity, however small, for giving his
 ‘ daughter in marriage; since the man, who,

‘ through avarice, takes a gratuity *for that purpose*, is a seller of his offspring.

52. ‘ Whatever male relations, through delusion of mind, take possession of a woman’s property, be it only her carriages or her clothes, such offenders will sink to a region of torment.

53. ‘ Some say, that the bull and cow *given* in the nuptial ceremony of the *Rīshis*, are a bribe to the father; but this is untrue: a bribe *indeed*, whether large or small, is an actual sale *of the daughter*.

54. ‘ When money or goods are given to damsels, whose kinsmen receive them not for their own use, it is no sale: it is merely a token of courtesy and affection to the brides.

55. ‘ Married women must be honoured and adorned by their fathers and brethren, by their husbands, and by the brethren of their husbands, if they seek abundant prosperity:

56. ‘ Where females are honoured, there the deities are pleased; but where they are dishonoured, there all religious acts become fruitless.

57. ‘ Where female relations are made miserable, the family of him, who makes them so, very soon wholly perishes; but, where they are not unhappy, the family always increases.

58. ‘ On whatever houses the women of a fa-

‘ mily, not being duly honoured, pronounce an
 ‘ imprecation, those houses, with all that belong
 ‘ to them, utterly perish, as if destroyed by a sa-
 ‘ crifice for the death of an enemy.

59. ‘ Let those women, therefore, be conti-
 ‘ nually supplied with ornaments, apparel, and
 ‘ food, at festivals and at jubilees, by men de-
 ‘ sirous of wealth.

60. ‘ In whatever family the husband is con-
 ‘ tented with his wife, and the wife with her
 ‘ husband, in that house will fortune be assuredly
 ‘ permanent.

61. ‘ Certainly, if the wife be not elegantly
 ‘ attired, she will not exhilarate her husband, and,
 ‘ if her lord want hilarity, offspring will not be
 ‘ produced.

62. ‘ A wife being gaily adorned, her whole
 ‘ house is embellished ; but, if she be destitute of
 ‘ ornament, all will be deprived of decoration.

63. ‘ By culpable marriages, by omission of
 ‘ prescribed ceremonies, by neglect of reading
 ‘ the *Vēda*, and by irreverence toward a *Bráh-*
 ‘ *men*, great families are sunk to a low state :

64. ‘ So they are by practising manual arts, by
 ‘ *lending at interest and other* pecuniary transac-
 ‘ tions, by begetting children on *Súdras* only,
 ‘ by traffick in kine, horses, and carriages, by
 ‘ agriculture, and by attendance on a king.

65. ‘ By sacrificing for such, as have no

‘ right to sacrifice, and by denying a future compensation for good works, great families, being deprived of sacred knowledge, are quickly destroyed ;

66. ‘ But families, enriched by a knowledge of the *Vēda*, though possessing little temporal wealth, are numbered among the great, and acquire exalted fame.

67. ‘ LET the house-keeper perform domestic religious rites, with the nuptial fire, according to law, and the ceremonies of the five great sacraments, and the several acts, which must day by day be performed.

68. ‘ A house-keeper has five places of slaughter, or *where small living creatures may be slain*, his kitchen-hearth, his grind-stone, his broom, his pestle and mortar, his water-pot ; by using which, he becomes in bondage to sin :

69. ‘ For the sake of expiating *offences committed ignorantly* in those places mentioned in order, the five great sacraments were appointed by eminent sages to be performed each day by such as keep house.

70. ‘ Teaching and studying the scripture is the sacrament of the *Vēda* ; offering cakes and water, the sacrament of the Manes ; an oblation to fire, the sacrament of the Deities ; giving rice or other food to living creatures, the sa-

‘ sacrament of spirits ; receiving guests with honour, the sacrament of men :

71. ‘ Whoever omits not those five great ceremonies, if he have ability *to perform them*, is untainted by the sins of the *five* slaughtering places, even though he constantly reside at home ;

72. ‘ But whoever cherishes not five orders of beings, *namely*, the deities ; those, who demand hospitality ; those, whom he ought by law to maintain ; his departed fore-fathers ; and himself ; that man lives not, even though he breathe.

73. ‘ Some call the five sacraments *abuta* and *buta*, *prabuta*, *brábhmya-buta*, and *prásita* :

74. ‘ *Abuta*, or unoffered, is divine study ; *buta*, or offered, is the oblation to fire ; *prabuta*, or well offered, is the food given to spirits ; *brábhmya-buta* is respect shewn to twice-born guests ; and *prásita*, or well eaten, is the offering of rice or water to the manes of ancestors.

75. ‘ Let every man in this second order employ himself daily in reading the scripture, and in performing the sacrament of the Gods ; for, being employed in the sacrament of deities, he supports this whole animal and vegetable world ;

76. ‘ Since his oblation of clarified butter, duly

‘ cast into the flame, ascends in smoke to the sun;
 ‘ from the sun it falls in rain; from rain comes
 ‘ vegetable food; and from such food animals
 ‘ derive their subsistence.

77. ‘ As all creatures subsist by receiving sup-
 ‘ port from air, thus all orders of men exist by
 ‘ receiving support from house-keepers;

78. ‘ And, since men of the three other or-
 ‘ ders are each day nourished by them with
 ‘ divine learning and with food, a house-keeper
 ‘ is for this reason of the most eminent order:

79. ‘ That order, therefore, must be constantly
 ‘ sustained with great care by the man, who
 ‘ seeks unperishable bliss in heaven, and in this
 ‘ world pleasurable sensations; an order, which
 ‘ cannot be sustained by men with uncontrolled
 ‘ organs.

80. ‘ The divine sages, the manes, the gods,
 ‘ the spirits, and guests, pray for benefits to mas-
 ‘ ters of families; let these honours, therefore,
 ‘ be done to them by the house-keeper, who
 ‘ knows his duty:

81. ‘ Let him honour the sages by studying the
 ‘ *Vēda*; the gods, by oblations to fire ordained
 ‘ by law; the manes, by pious obsequies; men,
 ‘ by supplying them with food; and spirits, by
 ‘ gifts to all animated creatures.

82. ‘ Each day let him perform a *śrāddha* with

‘ boiled rice and the like, or with water, or with
 ‘ milk, roots, and fruit; for thus he obtains fa-
 ‘ vour from departed progenitors.

83. ‘ He may entertain one *Brábmén* in that
 ‘ sacrament among the five, which is performed
 ‘ for the *Pitrīs*; but, at the oblation to all the
 ‘ Gods, let him not invite even a single priest.

84. ‘ In his domestic fire for dressing the food
 ‘ of all the Gods, after the prescribed ceremony,
 ‘ let a *Brábmén* make an oblation each day to
 ‘ these *following* divinities;

85. ‘ First to AGNI, god of fire, and to the
 ‘ Lunar God, severally; then, to both of them
 ‘ at once; next, to the assembled Gods; and
 ‘ afterwards, to DHANWANTARI, God of Me-
 ‘ dicine;

86. ‘ To CUHU’, goddesses of the day, when the
 ‘ new moon is discernible; to ANUMATI, god-
 ‘ des of the day after the opposition; to PRA-
 ‘ JA’PATI, or the Lord of Creatures; to
 ‘ DYA’VA’ and PRITHIVI’, goddesses of sky and
 ‘ earth; and lastly, to the fire of the good sa-
 ‘ crifice.

87. ‘ Having thus, with fixed attention, of-
 ‘ fered clarified butter in all quarters, proceeding
 ‘ *from the east* in a southern direction, to INDRA,
 ‘ YAMA, VARUNA, and the god SO’MA, let him
 ‘ offer his gift to animated creatures:

88. ‘ Saying, “I salute the *Maruts*,” or *Winds*,

let him throw dressed rice near the door; *saying*, “ I salute the water gods,” in water; and on his pestle and mortar, *saying*, “ I salute the gods of large trees.”

89. ‘ Let him do the like *in the north east, or*
‘ near his pillow, to SRI’, the goddess of abundance; *in the south west, or* at the foot of his
‘ bed, to the propitious goddess BHADRAÇALI’;
‘ in the centre of his mansion, to BRAHMA’ and
‘ his household God ;

90. ‘ To all the Gods assembled, let him throw
‘ up his oblation in open air; by day, to the
‘ spirits, who walk in light; and by night to
‘ those, who walk in darkness :

91. ‘ In the building on his housetop, *or behind*
‘ *his back*, let him cast his oblation for the welfare of all creatures; and what remains let
‘ him give to the *Pitrīs* with his face toward
‘ the south :

92. ‘ The share of dogs, of outcasts, of dog-
‘ feeders, of sinful men punished with elephantiasis or consumption, of crows, and of reptiles, let him drop on the ground by little and
‘ little.

93. ‘ A *Brāhmen*, who thus each day shall
‘ honour all beings, will go to the highest region
‘ in a straight path, with an irradiated form.

94. ‘ When he has performed this duty of
‘ making oblations, let him cause his guest to

‘ take food before himself; and let him give a
 ‘ portion of rice, as the law ordains, to the men-
 ‘ dicant, who studies the *Vêda*.

95. ‘ Whatever fruit shall be obtained by that
 ‘ student, as the reward of his virtue, when he
 ‘ shall have given a cow to his preceptor, accord-
 ‘ ing to law, the like reward of virtue shall be
 ‘ obtained by the twice born house-keeper, when
 ‘ he has given a mouthful of rice to the religious
 ‘ mendicant.

96. ‘ To a *Bráhmén*, who knows the true
 ‘ principle of the *Vêda*, let him present a portion
 ‘ of rice, or a pot of water garnished with fruit
 ‘ and flowers, due ceremonies having preceded:

97. ‘ Shares of oblations to the gods, or to
 ‘ the manes, utterly perish, when presented,
 ‘ through delusion of mind, by men regardless
 ‘ of duty, to such ignorant *Bráhméns*, as are mere
 ‘ ashes;

98. ‘ But an offering in the fire of a sacerdotal
 ‘ mouth, which richly blazes with true know-
 ‘ ledge and piety, will release the giver from
 ‘ distress, and even from deadly sin.

99. ‘ To the guest, who comes of his own
 ‘ accord, let him offer a seat and water, with
 ‘ such food as he is able to prepare, after the
 ‘ due rites of courtesy.

100. A *Bráhmén*, coming as a guest, and not
 ‘ received with just honour, takes to himself

‘ all the reward of the house-keeper’s former
 ‘ virtue, even though he had been so temperate
 ‘ as to live on the gleanings of harvests, and
 ‘ so pious as to make oblations in five distinct
 ‘ fires.

101. ‘ Grass and earth to sit on, water to wash
 ‘ the feet, and, fourthly, affectionate speech are
 ‘ at no time deficient in the mansions of the
 ‘ good, *although they may be indigent.*

102. ‘ A *Brábmén*, staying but one night as a
 ‘ guest, is called an *atit’bi*; since, continuing so
 ‘ short a time, he is *not* even a sojourner for a
 ‘ whole *tit’bi*, or *day of the moon.*

103. ‘ The house-keeper must not consider as
 ‘ an *atit’bi* a mere visitor of the same town, or
 ‘ a *Brábmén*, who attends him on business, even
 ‘ though he come to the house, where his wife
 ‘ dwells, and where his fires are kindled.

104. ‘ Should any house-keepers be so sense-
 ‘ less, as to seek, on pretence of being guests,
 ‘ the food of others, they would fall after death,
 ‘ by reason of that baseness, to the condition of
 ‘ cattle belonging to the giver of such food.

105. ‘ No guest must be dismissed in the even-
 ‘ ing by a house-keeper: he is sent by the retir-
 ‘ ing sun; and, whether he come in fit season or
 ‘ unseasonably, he must not sojourn in the house
 ‘ without entertainment.

106. ‘ Let not himself eat any delicate food,

‘ without asking his guest to partake of it : the
 ‘ satisfaction of a guest will assuredly bring the
 ‘ house-keeper wealth, reputation, long life, and
 ‘ a place in heaven.

107. ‘ To the highest guests in the best form,
 ‘ to the lowest in the worst, to the equal, equally,
 ‘ let him offer seats, resting places, couches ;
 ‘ giving them proportionable attendance, when
 ‘ they depart ; and honour, as long as they
 ‘ stay.

108. ‘ Should another guest arrive, when the
 ‘ oblation to all the Gods is concluded, for him
 ‘ also let the house-keeper prepare food, accord-
 ‘ ing to his ability ; but let him not repeat his
 ‘ offerings to animated beings.

109. ‘ Let no *Brábmén* guest proclaim his
 ‘ family and ancestry for the sake of an enter-
 ‘ tainment ; since he, who thus proclaims them,
 ‘ is called by the wife a *vántáfi*, or foulfeeding
 ‘ demon.

110. ‘ A military man is not denominated a
 ‘ guest in the house of a *Brábmén* ; nor a man
 ‘ of the commercial or servile class ; nor his fa-
 ‘ miliar friend ; nor his paternal kinsman ; nor
 ‘ his preceptor :

111. ‘ But, if a warrior come to his house in
 ‘ the form of a guest, let food be prepared for
 ‘ him, according to his desire, after the before
 ‘ mentioned *Brábmén*s have eaten.

112. ‘ Even to a merchant or a labourer, approaching his house in the manner of guests let him give food, showing marks of benevolence, at the same time with his domesticks :

113. ‘ To others, as familiar friends, and the rest before named, who come with affection to his place of abode, let him serve a repast at the same time with his wife *and himself*, having amply provided it according to his best means.

114. ‘ To a bride, and to a damsel, to the sick, and to pregnant women, let him give food, even before his guests, without hesitation.

115. ‘ The idiot, who first eats his own melfs, without having presented food to the persons just enumerated, knows not, while he crams, that he will himself be food after death for bandogs and vultures.

116. ‘ After the repast of the *Brábmén* guest, of his kinsmen, and his domesticks, the married couple may eat what remains untouched.

117. ‘ The house-keeper, having honoured spirits, holy sages, men, progenitors, and household gods, may feed on what remains after those oblations.

118. ‘ He, who eats what has been dressed for himself only, eats nothing but sin : a repast

‘ on what remains, after the sacraments, is called
 ‘ the banquet of the good.

119. ‘ After a year from the reception of a
 ‘ visitor, let the house-keeper again honour a
 ‘ king, a sacrificer, a student returned from his
 ‘ preceptor, a son in law, a father in law, and a
 ‘ maternal uncle, with a *madhuperca*, or present
 ‘ of honey, curds, and fruit.

120. ‘ A king or a *Bráhmén*, arriving at the
 ‘ celebration of the sacrament, are to be honour-
 ‘ ed with a *madhuperca*; but not, if the sacra-
 ‘ ment be over: this is a settled rule.

121. ‘ In the evening, let the wife make an
 ‘ offering of the dressed food, but without pro-
 ‘ nouncing any text of the *Véda*: one oblation
 ‘ to the assembled gods, thence named *Vaiswa-*
 ‘ *déva*, is ordained both for evening and
 ‘ morning.

122. ‘ FROM month to month, on the dark
 ‘ day of the moon, let a twice-born man having
 ‘ finished the daily sacrament of the *Pitrīs*, and
 ‘ his fire being blazing, perform the solemn
 ‘ *śráddha*, called *pindánwábárya*:

123. ‘ Sages have distinguished the monthly
 ‘ *śráddha* by the title of *anwábárya*, or *after*
 ‘ *eaten*, that is, eaten after the *pinda*, or ball of
 ‘ rice; and it must be performed with extreme
 ‘ care, and with flesh meat in the best condition.

124. ‘ What *Bráhméns* must be entertained at

‘ that ceremony, and who must be accepted, how
 ‘ many are to be fed, and with what sort of food,
 ‘ on all those articles without omission, I will
 ‘ fully discourse.

125. ‘ At the *śrāddha* of the gods he may
 ‘ entertain two *Brāhmins*; at that of his father,
 ‘ paternal grandfather, and paternal great grand-
 ‘ father, three; or one only at that of the gods,
 ‘ and one at that of his three paternal ancestors:
 ‘ though he abound in wealth, let him not be
 ‘ solicitous to entertain a large company.

126. ‘ A large company destroys these five ad-
 ‘ vantages; reverence to priests, propriety of
 ‘ time and place, purity, and the acquisition of
 ‘ virtuous *Brāhmins*: let him not, therefore,
 ‘ endeavour to feed a superfluous number.

127. ‘ This act of due honour to departed
 ‘ souls, on the dark day of the moon, is famed by
 ‘ the appellation of *pitrya*, or ancestral: the legal
 ‘ ceremony, in honour of departed spirits, re-
 ‘ wards with continual fruit a man engaged in
 ‘ such obsequies.

128. ‘ Oblations to the gods and to ancestors
 ‘ should be given to a most reverend *Brāhmen*,
 ‘ perfectly conversant with the *Vēda*; since
 ‘ what is given to him produces the greatest
 ‘ reward.

129. ‘ By entertaining one learned man at the
 ‘ oblation to the gods and at that to ancestors, he

‘ gains more exalted fruit, than by feeding a multitude, who know not the holy texts.

130. ‘ Let him inquire into the ancestry, even in a remote degree, of a *Brábmén*, who has advanced to the end of the *Vèda*: such a man, if sprung from good men, is a fit partaker of oblations to gods and to ancestors; such a man may justly be called an *atit’bi*, or guest.

131. ‘ Surely, though a million of men, unlearned in holy texts, were to receive food, yet a single man, learned in scripture, and fully satisfied with his entertainment, would be of more value than all of them together.

132. ‘ Food, consecrated to the gods and the manes, must be presented to a theologian of eminent learning; for certainly, when hands are smeared with blood, they cannot be cleaned with blood only, *nor can sin be removed by the company of sinners*.

133. ‘ As many mouthfuls as an unlearned man shall swallow at an oblation to the gods and to ancestors, so many redhot iron balls must the giver of the *śrāddha* swallow in the next world.

134. ‘ Some *Brábméns* are intent on scriptural knowledge; others, on austere devotion; some are intent both on religious austerity and on the study of the *Vèda*; others, on the performance of sacred rites:

135. ‘ Oblations to the manes of ancestors

‘ ought to be placed with care before such as are
 ‘ intent on sacred learning : but offerings to the
 ‘ gods may be presented, with due ceremonies,
 ‘ to *Bráhmens* of all the four descriptions.

136. ‘ There may be a *Brábmén*, whose fa-
 ‘ ther had not studied the scripture, though the
 ‘ son has advanced to the end of the *Vèda*; or
 ‘ there may be one, whose son has not read the
 ‘ *Vèda*, though the father had travelled to the
 ‘ end of it :

137. ‘ Of those two let mankind consider him
 ‘ as the superiour, whose father had studied the
 ‘ scripture; yet, for the sake of performing rites
 ‘ with holy texts, the other is worthy of honour.

138. ‘ Let no man, at the prescribed obsequies,
 ‘ give food to an intimate friend ; since ad-
 ‘ vantage to a friend must be procured by gifts
 ‘ of different property : to that *Brábmén* let the
 ‘ performer of a *śráddha* give food, whom he
 ‘ considers neither as a friend nor as a foe.

139. ‘ For him, whose obsequies and offer-
 ‘ ings of clarified butter are provided chiefly
 ‘ through friendship, no fruit is reserved in the
 ‘ next life, on account either of his obsequies or
 ‘ of his offerings.

140. ‘ The man, who, through delusion of
 ‘ intellect, forms temporal connexions by obse-
 ‘ quies, is excluded from heavenly mansions, as
 ‘ a giver of the *śráddha* for the sake of friend-
 ‘ ship, and the meanest of twice-born men:

141. ‘ Such a convivial present, by men of the
 ‘ three highest classes, is called the gift of *Pisáchas*,
 ‘ and remains fixed here below, like a blind cow
 ‘ in one stall.

142. ‘ As a husbandman, having sown seed in
 ‘ a barren soil, reaps no grain, thus a performer
 ‘ of holy rites, having given clarified butter to
 ‘ an unlearned *Bráhmén*, attains no reward in
 ‘ heaven;

143. ‘ But a present made, as the law ordains,
 ‘ to a learned theologian, renders both the giver
 ‘ and the receiver partakers of good fruits in this
 ‘ world and in the next.

144. ‘ If no learned *Bráhmén* be at hand,
 ‘ he may at his pleasure invite a friend to the
 ‘ *śráddha*, but not a foe, be he ever so learned;
 ‘ since the oblation, being eaten by a foe, loses
 ‘ all fruit in the life to come.

145. ‘ With great care let him give food at
 ‘ the *śráddha* to a priest, who has gone through
 ‘ the scripture, but has chiefly studied the *Rĩg-
 ‘ véda*; to one, who has read all the branches,
 ‘ but principally those of the *Yajush*; or to one,
 ‘ who has finished the whole, with particular at-
 ‘ tention to the *Sáman*:

146. ‘ Of that man, whose oblation has been
 ‘ eaten, after due honours, by any one of those
 ‘ three *Bráhméns*, the ancestors are constantly

‘ satisfied as high as the seventh person, *or to the*
 ‘ *sixth degree.*

147. ‘ This is the chief rule in offering the
 ‘ *śráddha* to the gods and to ancestors; but the
 ‘ following may be considered as a subsidiary
 ‘ rule, *where no such learned priests can be found,*
 ‘ and is ever observed by good men :

148. ‘ Let him entertain his maternal grand-
 ‘ father, his maternal uncle, the son of his sister,
 ‘ the father of his wife, his spiritual guide, the
 ‘ son of his daughter, or her husband, his ma-
 ‘ ternal cousin, his officiating priest, or the per-
 ‘ former of his sacrifice.

149. ‘ For an oblation to the gods, let not the
 ‘ man, who knows what is law, scrupulously in-
 ‘ quire into the parentage of a *Bráhmén*; but for
 ‘ a prepared oblation to ancestors, let him exa-
 ‘ mine it with strict care.

150. ‘ Those *Bráhméns*, who have committed
 ‘ any inferiour theft or any of the higher crimes,
 ‘ who are deprived of virility, or who profess a
 ‘ disbelief in a future state, *MENU* has pronounced
 ‘ unworthy of honour at a *śráddha* to the gods
 ‘ or to ancestors.

151. ‘ To a student in theology, who has not
 ‘ read the *Véda*, to a man *punished for past crimes*
 ‘ *by being* born without a prepuce, to a gamester,
 ‘ and to such, as perform many sacrifices for other

‘ men, let him never give food at the sacred ob-
 ‘ sequies.

152. ‘ Physicians, imageworshippers for gain,
 ‘ sellers of meat, and such as live by low traffick,
 ‘ must be shunned in oblations both to the deities
 ‘ and to progenitors.

153. ‘ A public servant of the whole town, or
 ‘ of the prince, a man with whitlows on his
 ‘ nails, or with black yellow teeth, an opposer of
 ‘ his preceptor, a deserter of the sacred fire, and
 ‘ an usurer,

154. ‘ A phthifical man, a feeder of cattle,
 ‘ one omitting the five great sacraments, a con-
 ‘ temner of *Brábmens*, a younger brother married
 ‘ before the elder, an elder brother not married be-
 ‘ fore the younger, and a man, who subsists by the
 ‘ wealth of many relations,

155. ‘ A dancer, one who has violated the
 ‘ rule of chastity in the first or fourth order, the
 ‘ husband of a *Súdra*, the son of a twice-married
 ‘ woman, a man who has lost one eye, and a
 ‘ husband in whose house an adulterer dwells,

156. ‘ One who teaches the *Véda* for wages,
 ‘ and one who gives wages to such a teacher,
 ‘ the pupil of a *Súdra*, and the *Súdra* preceptor,
 ‘ a rude speaker, and the son-of an adulteress,
 ‘ born either before or after the death of the
 ‘ husband,

157. ‘ A forsaker, without just cause, of

‘ his mother, father, or preceptor, and a man
 ‘ who forms a connexion, either by scriptural
 ‘ or connubial affinity, with great finners,

158. ‘ A houseburner, a giver of poison, an
 ‘ eater of food offered by the son of an adul-
 ‘ terers, a seller of the moonplant, *a species of*
 ‘ *mountain rue*, a navigator of the ocean, a poeti-
 ‘ cal encomiast, an oilman, and a suborner of
 ‘ perjury,

159. ‘ A wrangler with his father, an em-
 ‘ ployer of gamesters for his own benefit, a
 ‘ drinker of intoxicating spirits, a man punished
 ‘ for sin with elephantiasis, one of evil repute, a
 ‘ cheat, and a seller of liquids,

160. ‘ A maker of bows and arrows, the hus-
 ‘ band of a younger sister married before the
 ‘ elder *of the whole blood*, an injurer of his friend,
 ‘ the keeper of a gaminghouse, and a father in-
 ‘ structed in the *Vêda* by his own son,

161. ‘ An epileptick person, one who has the
 ‘ erysipelas or the leprosy, a common informer,
 ‘ a lunatick, a blind man, and a despiser of scrip-
 ‘ ture, must all be shunned.

162. ‘ A tamer of elephants, bulls, horses,
 ‘ or camels, a man who subsists by astrology,
 ‘ a keeper of birds, and one who teaches the use
 ‘ of arms,

163. ‘ He, who diverts watercourses, and he,
 ‘ who is gratified by obstructing them, he, who

‘ builds houses for gain, a messenger, and a planter
 ‘ of trees *for pay*,

164. ‘ A breeder of sporting dogs, a falconer, a
 ‘ seducer of damsels, a man delighting in mischief,
 ‘ a *Brábmén* living as a *Súdra*, a sacrificer to the
 ‘ inferiour gods only,

165. ‘ He, who observes not approved cus-
 ‘ toms, and he, who regards not prescribed du-
 ‘ ties, a constant importunate asker of favours,
 ‘ he, who supports himself by tillage, a club-
 ‘ footed man, and one despised by the virtuous,

166. ‘ A shepherd, a keeper of buffalos,
 ‘ the husband of a twice-married woman, and
 ‘ the remover of dead bodies *for pay*, are to be
 ‘ avoided with great care.

167. ‘ Those lowest of *Brábméns*, whose man-
 ‘ ners are contemptible, who are not admissible
 ‘ into company at a repast, an exalted and learned
 ‘ priest must avoid at both *fráddhas*.

168. ‘ A *Brábmén*, unlearned in holy writ, is
 ‘ extinguished in an instant, like a fire of dry
 ‘ grafs: to him the oblation must not be given; for
 ‘ the clarified butter must not be poured on ashes.

169. ‘ WHAT retribution is prepared in the
 ‘ next life for the giver of food to men inad-
 ‘ missible into company, at the *fráddha* to the
 ‘ gods and to ancestors, I will now declare with-
 ‘ out omission.

170. ‘ On that food, which has been given

‘ to *Bráhmens*, who have violated the rules of
 ‘ their order, to the younger brother married
 ‘ before the elder, and to the rest, who are not
 ‘ admissible into company, the *Racshases* eagerly
 ‘ feast.

171. ‘ He, who makes a marriage contract
 ‘ with the connubial fire, while his elder brother
 ‘ continues unmarried, is called a *perivéttri*; and
 ‘ the elder brother, a *perivitti*:

172. ‘ The *perivéttri*, the *perivitti*, the damsel
 ‘ thus wedded, the giver of her in wedlock, and,
 ‘ fifthly, the performer of the nuptial sacrifice, all
 ‘ sink to a region of torment.

173. ‘ He, who lasciviously dallies with the
 ‘ widow of his deceased brother, though she be
 ‘ legally married to him, is denominated the hus-
 ‘ band of a *didhishú*.

174. ‘ Two sons, named a *cunda* and a *gólaca*,
 ‘ are born in adultery; the *cunda*, while the hus-
 ‘ band is alive, and the *gólaca*, when the husband
 ‘ is dead:

175. ‘ Those animals begotten by adulterers,
 ‘ destroy, both in this world and in the next,
 ‘ the food presented to them by such, as make
 ‘ oblations to the gods or to the manes.

176. ‘ The foolish giver of a *śráddha* loses,
 ‘ in a future life, the fruit of as many admissible
 ‘ guests, as a *thief or the like* person, inadmissible
 ‘ into company, might be able to see.

177. ‘ A blind man, placed where one with
 ‘ eyes might have seen, destroys the reward of
 ‘ ninety; he, who has lost one eye, of sixty; a
 ‘ leper, of a hundred; one punished with ele-
 ‘ phantiasis, of a thousand.

178. ‘ Of the gift at a *śrāddha* to as many
 ‘ *Brāhmens*, as a sacrificer for a *Sūdra* might be
 ‘ able to touch on the body, the fruit is lost to
 ‘ the giver, *if he invite such a wretch*;

179. ‘ And if a *Brāhmen*, who knows the
 ‘ *Vēda*, receive through covetousness a present
 ‘ from such a sacrificer, he speedily sinks to per-
 ‘ dition, like a figure of unburnt clay in water.

180. ‘ Food, given to a seller of the moon-
 ‘ plant, becomes ordure in another world; to a
 ‘ physician, purulent blood; *and the giver will*
 ‘ *be a reptile bred in them*: if offered to an
 ‘ imageworshipper, it is thrown away; if to an
 ‘ usurer, infamous.

181. ‘ That, which is given to a trader, en-
 ‘ dures neither in this life nor in the next, and
 ‘ that bestowed on a *Brāhmen*, who has married
 ‘ a widow, resembles clarified butter poured on
 ‘ ashes as an oblation to fire.

182. ‘ That food, which is given to other base
 ‘ inadmissible men before mentioned, the wise
 ‘ have pronounced to be no more than animal oil,
 ‘ blood, flesh, skin, and bones.

183. ‘ Now learn comprehensively, by what

‘ *Bráhmens* a company may be purified, when it
 ‘ has been defiled by inadmissible persons; *Bráhi-*
 ‘ *mens*, the chief of their class, the purifiers of
 ‘ every assembly.

184. ‘ Those priests must be considered as the
 ‘ purifiers of a company, who are most learned
 ‘ in all the *Védas* and all their *Angas*, together
 ‘ with their descendants, who have read the
 ‘ whole scripture :

185. ‘ A priest learned in the principal part of
 ‘ the *Yajurvéda*; one, who keeps the five fires
 ‘ constantly burning; one skilled in a principal
 ‘ part of the *Rigvéda*; one, who explains the six
 ‘ *Vedángas*; the son of a *Bráhmì*, or woman
 ‘ married by the *Bráhma* ceremony; and one,
 ‘ who chants the principal *Sáman*;

186. ‘ One, who propounds the sense of the
 ‘ *Védas*, which he learnt from his preceptor, a
 ‘ student, who has given a thousand cows for
 ‘ pious uses, and a *Bráhmen* a hundred years old,
 ‘ must all be considered as the purifiers of a party
 ‘ at a *śráddha*.

187. ‘ On the day before the sacred obsequies,
 ‘ or on the very day when they are prepared,
 ‘ let the performer of them invite, with due ho-
 ‘ nour, such *Bráhmens* as have been mentioned;
 ‘ usually one superiour, who has three inferiour
 ‘ to him.

188. ‘ The *Bráhmen*, who has been invited to

‘ a *śrāddha* for departed ancestors, must be continually abstemious; he must not even read the *Vēdas*; and he, who performs the ceremony, must act in the same manner.

189. ‘ Departed ancestors, no doubt, are attendant on such invited *Brāhmens*; hovering around them like pure spirits, and sitting by them when they are seated.

190. ‘ The priest, who having been duly invited to a *śrāddha*, breaks the appointment, commits a grievous offence, and, in his next birth, becomes a hog.

191. ‘ He who cares for a *Sūdra* woman, after he has been invited to sacred obsequies, takes on himself all the sin, that has been committed by the giver of the repast.

192. ‘ The *Pitrīs*, or great progenitors, are free from wrath, intent on purity, ever exempt from sensual passions, endued with exalted qualities: they are primeval divinities, who have laid arms aside.

193. ‘ HEAR now completely, from whom they sprang; who they are; by whom, and by what ceremonies, they are to be honoured.

194. ‘ The sons of MARICHI and of all the other *Rīshis*, who were the offspring of MENU, son of BRAHMA, are called the companies of *Pitrīs*, or forefathers.

195. ' The *Sómasads*, who sprang from Vi-
 ' RA'J, are declared to be the ancestors of the
 ' *Sádhyas*; and the *Agniśhwáttas*, who are
 ' famed among created beings as the children of
 ' MARI'CHI, to be the progenitors of the *Dévas*.

196. ' Of the *Daityas*, the *Dánavas*, the
 ' *Yacśhas*, the *Gandharvas*, the *Uragas*, or Ser-
 ' pents, the *Racśhases*, the *Garudas*, and the
 ' *Cinnáras*, the ancestors of *Barhiśhads* descended
 ' from ATRI;

197. ' Of *Bráhmens*, those named *Sómapas*;
 ' of *Cśhatriyas*, the *Haviśhmats*; of *Vaiśyas*,
 ' those called *Ajyapas*; of *Súdras*, the *Sucálins* :

198. ' The *Sómapas* descended from Me,
 ' BHRĪGU; the *Haviśhmats*, from ANGIRAS;
 ' the *Ajyapas*, from PULASTYA; the *Sucálins*,
 ' from VASISHT'HA.

199. ' Those who are, and those who are
 ' not, consumable by fire, called *Agnidagdhas*,
 ' and *Anagnidagdhas*, the *Cávyas*, the *Barhiśhads*,
 ' the *Agniśhwáttas*, and the *Saumyas*, let man-
 ' kind consider as the chief progenitors of
 ' *Bráhmens*.

200. ' Of those just enumerated, who are
 ' generally reputed the principal tribes of *Pitrīs*,
 ' the sons and grandsons indefinitely, are also in
 ' this world considered as great progenitors.

201. ' From the *Riśhis* come the *Pitrīs*, or

‘ patriarchs; from the *Pitrīs*, both *Dévas* and
 ‘ *Dánavas*; from the *Dévas*, this whole world
 ‘ of animals and vegetables, in due order.

202. ‘ Mere water, offered with faith to the
 ‘ progenitors of men, in vessels of silver, or
 ‘ adorned with silver, proves the source of in-
 ‘ corruption.

203. ‘ An oblation by *Bráhmens* to their an-
 ‘ cestors transcends an oblation to the deities;
 ‘ because that to the deities is considered as the
 ‘ opening and completion of that to ancestors.

204. ‘ As a preservative of the oblation to the
 ‘ patriarchs, let the house-keeper begin with an
 ‘ offering to the gods; for the *Racshases* rend
 ‘ in pieces an oblation which has no such pre-
 ‘ servative.

205. ‘ Let an offering to the gods be made at
 ‘ the beginning and end of the *śráddha*: it must
 ‘ not begin and end with an offering to ances-
 ‘ tors; for he, who begins and ends it with an
 ‘ oblation to the *Pitrīs*, quickly perishes with his
 ‘ progeny.

206. ‘ LET the *Bráhmens* smear with cow-
 ‘ dung a purified and sequestered piece of
 ‘ ground; and let him with great care select a
 ‘ place with a declivity toward the south:

207. ‘ The divine manes are always pleased
 ‘ with an oblation in empty glades, naturally

‘ clean, on the banks of rivers, and in solitary
‘ spots.

208. ‘ Having duly made an ablution with
‘ water, let him place the invited *Bráhmens*, who
‘ have also performed their ablutions, one by
‘ one, on allotted seats purified with *cus’a-grass*.

209. ‘ When he has placed them with re-
‘ verence on their seats, let him honour them
‘ (having first honoured the gods) with fragrant
‘ garlands and sweet odours.

210. ‘ Having brought water for them with
‘ *cus’a-grass* and *tila*, let the *Bráhmen*, with the
‘ *Bráhmens*, pour the oblation, as the law directs,
‘ on the holy fire.

211. ‘ First, as it is ordained, having satisfied
‘ AGNI, SO’MA, YAMA, with clarified butter,
‘ let him proceed to satisfy the manes of his pro-
‘ genitors.

212. ‘ If he have no consecrated fire, *as if he*
‘ *be yet unmarried, or his wife be just deceased,*
‘ let him drop the oblation into the hand of a
‘ *Bráhmen*; since, what fire is, even such is a
‘ *Bráhmen*; as priests, who know the *Véda*, de-
‘ clare :

213. ‘ Holy sages call the chief of the twice-
‘ born the gods of obsequies, free from wrath,
‘ with placid aspects, of a primeval race, em-
‘ ployed in the advancement of human creatures.

214. ‘ Having walked in order from east to south, and thrown into the fire all the ingredients of his oblation, let him sprinkle water on the ground with his right hand.

215. ‘ From the remainder of the clarified butter having formed three balls of rice, let him offer them, with fixed attention, in the same manner as the water, his face being turned to the south:

216. ‘ Then, having offered those balls, after due ceremonies and with an attentive mind, to the manes of his father, his paternal grandfather, and great grandfather, let him wipe the same hand with the roots of *cus'a*, which he had before used, for the sake of his paternal ancestors in the fourth, fifth, and sixth degrees, who are the partakers of the rice and clarified butter thus wiped off.

217. ‘ Having made an ablution, returning toward the north, and thrice suppressing his breath slowly, let him salute the gods of the six seasons, and the *Pitrīs* also, being well acquainted with proper texts of the *Vēda*.

218. ‘ Whatever water remains in his ewer, let him carry back deliberately near the cakes of rice; and, with fixed attention, let him smell those cakes, in order as they were offered:

219. ‘ Then, taking a small portion of the cakes in order, let him first, as the law directs,

‘ cause the *Bráhmens* to eat of them, while they
‘ are seated.

220. ‘ If his father be alive, let him offer
‘ the *śráddha* to his ancestors in *three* higher
‘ degrees; or let him cause his own father to
‘ eat, as a *Bráhmen*, at the obsequies:

221. ‘ Should his father be dead, and his
‘ grandfather living, let him, in celebrating the
‘ name of his father, *that is, in performing ob-*
‘ *sequies to him*, celebrate also his paternal great
‘ grandfather;

222. ‘ Either the paternal grandfather may
‘ partake of the *śráddha* (so has MENU declared)
‘ or the grandson, authorized by him, may per-
‘ form the ceremony at his discretion.

223. ‘ Having poured water, with *cus'a-grafs*
‘ and *tila*, into the hands of the *Bráhmens*, let
‘ him give them the upper part of the cakes, say-
‘ ing, “ *Swadbá* to the manes !”

224. ‘ Next, having himself brought with both
‘ hands a vessel full of rice, let him, still medi-
‘ tating on the *Pitrīs*, place it before the *Bráb-*
‘ *mens without* precipitation.

225. ‘ Rice taken up, but not supported with
‘ both hands, the malevolent *Aśuras* quickly
‘ rend in pieces.

226. ‘ Broths, potherbs, and other eatables ac-
‘ companying the rice, together with milk and
‘ curds, clarified butter and honey, let him first

‘ place on the ground, after he has made an ab-
‘ lution; and let his mind be intent on no other
‘ object:

227. ‘ Let him add spiced puddings, and
‘ milky messes of various sorts, roots of herbs and
‘ ripe fruits, savoury meats, and sweet smelling
‘ drinks.

228. ‘ Then being duly purified, and with
‘ perfect presence of mind, let him take up all
‘ the dishes one by one, and present them in
‘ order to the *Brábmens*, proclaiming their qua-
‘ lities.

229. ‘ Let him at no time drop a tear; let
‘ him on no account be angry; let him say no-
‘ thing false; let him not touch the eatables
‘ with his foot; let him not even shake the
‘ dishes:

230. ‘ A tear sends the messes to restless
‘ ghosts; anger, to foes; falsehood, to dogs;
‘ contact with his foot, to demons; agitation, to
‘ sinners.

231. ‘ Whatever is agreeable to the *Brábmens*,
‘ let him give without envy; and let him dis-
‘ course on the attributes of God: such dis-
‘ course is expected by the manes.

232. ‘ At the obsequies to ancestors, he must
‘ let the *Brábmens* hear passages from the *Véda*,
‘ from the codes of law, from moral tales, from

‘ heroick poems, from the *Purānas*, and from
 ‘ theological texts.

233. ‘ Himself being delighted, let him give
 ‘ delight to the *Brāhmens*, and invite them to
 ‘ eat of the provisions by little and little; at-
 ‘ tracting them often with the dressed rice and
 ‘ other eatables, and mentioning their good pro-
 ‘ perties.

234. ‘ To the son of his daughter, though a
 ‘ student in theology, let him carefully give
 ‘ food at the *śrāddha*; offering him a blanket
 ‘ from *Népāl* as his seat, and sprinkling the
 ‘ ground with *tila*:

235. ‘ Three things are held pure at such ob-
 ‘ sequies, the daughter’s son, the *Népāl* blanket;
 ‘ and the *tila*; and three things are praised in it
 ‘ by the wife, cleanliness, freedom from wrath,
 ‘ and want of precipitate haste.

236. ‘ Let all the dressed food be very hot;
 ‘ and let the *Brāhmens* eat it in silence; nor let
 ‘ them declare the qualities of the food, even
 ‘ though asked by the giver.

237. ‘ As long as the messes continue warm,
 ‘ as long as they eat in silence, as long as the
 ‘ qualities of the food are not declared by them,
 ‘ so long the manes feast on it.

238. ‘ What a *Brāhmen* eats with his head
 ‘ covered, what he eats with his face to the

‘ south, what he eats with sandals on his feet,
 ‘ the demons assuredly devour.

239. ‘ Let not a *Chandála*, a townboar, a
 ‘ cock, a dog, a woman in her courses, or an eu-
 ‘ nuch, see the *Bráhmens* eating :

240. ‘ That, which any one of them sees at
 ‘ the oblation to fire, at a solemn donation of
 ‘ cows and gold, at a repast given to *Bráb-*
 ‘ *mens*, at holy rites to the gods, and at the
 ‘ obsequies to ancestors, produces not the in-
 ‘ tended fruit:

241. ‘ The boar destroys it by his smell;
 ‘ the cock, by the air of his wings; the dog,
 ‘ by the cast of a look; the man of the lowest
 ‘ class, by the touch.

242. ‘ If a lame man, or a man with one eye,
 ‘ or a man with a limb defective or redundant,
 ‘ be even a servant of the giver, him also let his
 ‘ master remove from the place.

243. ‘ Should another *Brábhmen*, or a mendi-
 ‘ cant, come to his house for food, let him,
 ‘ having obtained permission from the invited
 ‘ *Brábmens*, entertain the stranger to the best of
 ‘ his power.

244. ‘ Having brought together all the sorts
 ‘ of food, as dressed rice and the like, and
 ‘ sprinkling them with water, let him place them
 ‘ before the *Brábmens*, who have eaten; drop-

‘ ping some *on the blades of cus’a-grafs, which*
 ‘ *have been spread on the ground.*

245. ‘ What remains in the dishes, and what
 ‘ has been dropped on the blades of *cus’a*, must
 ‘ be considered as the portion of deceased *Bráb-*
 ‘ *mens*, not girt with the sacrificial thread, and
 ‘ of such as have deserted unreasonably the wo-
 ‘ men of their own tribe.

246. ‘ The residue, that has fallen on the
 ‘ ground at the *fráddha* to the manes, the wife
 ‘ have decided to be the share of all the servants,
 ‘ who are not crooked in their ways, nor lazy
 ‘ and ill-disposed.

247. ‘ Before the obsequies to ancestors as far
 ‘ as the sixth degree, they must be performed to a
 ‘ *Brábmen* recently deceased; but the performer
 ‘ of them must *in that case* give the *fráddha*
 ‘ without the ceremony to the Gods, and offer
 ‘ only one round cake; *and these obsequies for a*
 ‘ *single ancestor should be annually performed on*
 ‘ *the day of his death:*

248. ‘ When, *afterwards*, the obsequies to
 ‘ ancestors as far as the sixth degree, inclusively
 ‘ of him, are performed according to law, then
 ‘ must the offering of cakes be made by the de-
 ‘ scendants in the manner before ordained *for the*
 ‘ *monthly ceremonies.*

249. ‘ THAT fool, who, having eaten of the

‘ *śráddha*, gives the residue of it to a man of the
 ‘ fervile class, falls headlong down to the hell,
 ‘ named *Cálasútra*.

250. ‘ Should the eater of a *śráddha* enter,
 ‘ on the same day, the bed of a seducing woman,
 ‘ his ancestors would sleep for that month on her
 ‘ excrement.

251. ‘ HAVING, by the word *śwaditam*, asked
 ‘ the *Bráhmens* if they have eaten well, let him
 ‘ give them, being satisfied, water for an ablu-
 ‘ tion, and courteously say to them: “ Rest ei-
 ‘ ther at home or here.”

252. ‘ Then let the *Bráhmens* address him,
 ‘ saying *śwadbá*; for, in all ceremonies relating
 ‘ to deceased ancestors, the word *Swadbá* is the
 ‘ highest benison.

253. ‘ After that, let him inform those, who
 ‘ have eaten, of the food which remains; and,
 ‘ being instructed by the *Bráhmens*, let him dis-
 ‘ pose of it, as they may direct.

254. ‘ At the close of the *śráddha* to his an-
 ‘ cestors, he must ask, if the *Bráhmens* are satis-
 ‘ fied, by the word *śwadita*; after that for his fa-
 ‘ mily, by the word *śuśruta*; after that for his
 ‘ own advancement, by the word *śampanna*; after
 ‘ that, which has been offered to the gods, by the
 ‘ word *ruchita*.

255. ‘ The afternoon, the *cus’a*-gras, the

‘ cleansing of the ground, the *tilas*, the liberal gifts
 ‘ of food, the due preparation for the repast,
 ‘ and the company of most exalted *Bráhmens*,
 ‘ are true riches in the obsequies to ancestors.

256. ‘ The blades of *cus’a*, the holy texts,
 ‘ the forenoon, all the oblations, *which will*
 ‘ *presently be enumerated*, and the purification
 ‘ before mentioned, are to be considered as
 ‘ wealth in the *sráddha* to the gods;

257. ‘ Such wild grains as are eaten by her-
 ‘ mits, milk, the juice of the moonplant, meat
 ‘ untainted, and salt unprepared by art, are held
 ‘ things fit, in their own nature, for the last men-
 ‘ tioned offering.

258. ‘ Having dismissed the invited *Bráhmens*,
 ‘ keeping his mind attentive, and his speech
 ‘ suppressed, let him, after an ablution, look to-
 ‘ ward the south, and ask these blessings of the
 ‘ *Pitrīs*:

259. “ May generous givers abound in our
 “ house! may the scriptures be studied, and pro-
 “ geny increase, in it! may faith never depart
 “ from us! and may we have much to bestow on
 “ the needy!”

260. ‘ Thus having ended the *sráddha*, let
 ‘ him cause a cow, a priest, a kid, or the fire,
 ‘ to devour what remains of the cakes; or let
 ‘ him cast them into the waters.

261. ‘ Some make the offering of the round
‘ cakes after the repast ‘ of the *Bráhmens*; some
‘ cause the birds to eat what remains, or cast it
‘ into water or fire.

262. ‘ Let a lawful wife, ever dutiful to her
‘ lord, and constantly honouring his ancestors,
‘ eat the middlemost of the three cakes, *or that*
‘ *offered to his paternal grandfather*, with due
‘ ceremonies, praying for offspring :

263. ‘ So may she bring forth a son, who
‘ will be longlived, famed, and strongminded,
‘ wealthy, having numerous descendants, endued
‘ with the best of qualities, and performing all
‘ duties religious and civil.

264. ‘ THEN, having washed both his hands
‘ and sipped water, let him prepare some rice
‘ for his paternal kinsmen ; and, having given it
‘ them with due reverence, let him prepare food
‘ also for his maternal relations.

265. ‘ Let the residue continue in its place,
‘ until the *Bráhmens* have been dismissed; and
‘ then let him perform the *remaining* domestick
‘ sacraments.

266. ‘ WHAT sort of oblations, given duly to
‘ the manes, are capable of satisfying them for
‘ a long time or for eternity, I will now declare
‘ without omission.

267. ‘ The ancestors of men are satisfied a

‘ whole month with *tila*, rice, barley, black lentils or vetches, water, roots, and fruit, given with prescribed ceremonies ;

268. ‘ Two months, with fish ; three months, with venison ; four, with mutton ; five, with the flesh of *such* birds, as the twice-born may eat ;

269. ‘ Six months, with the flesh of kids ; seven, with that of spotted deer ; eight, with that of the deer, or antelope, called *éna* ; nine, with that of the *ruru* :

270. ‘ Ten months are they satisfied with the flesh of wild boars and wild buffalos ; eleven, with that of rabbits or hares, and of tortoises ;

271. ‘ A whole year with the milk of cows, and food made of that milk ; from the flesh of the long-eared white goat, their satisfaction endures twelve years.

272. ‘ The potherb *cálasáca*, the fish *mahá-salca*, or the *diodon*, the flesh of a rhinoceros, or of an ironcoloured kid, honey, and all such forestgrains as are eaten by hermits, are formed for their satisfaction without end.

273. ‘ Whatever pure food, mixed with honey, a man offers on the thirteenth day of the moon, in the season of rain, and under the lunar asterism *Maghà*, has likewise a ceaseless duration.

274. “ Oh ! may that man, *say the manes*, be
 “ born in our line, who may give us milky food,
 “ with honey and pure butter, both on the thir-
 “ teenth of the moon, and when the shadow of
 “ an elephant falls to the east ! ”

275. ‘ Whatever a man, endued with strong
 ‘ faith, piously offers, as the law has directed,
 ‘ becomes a perpetual unperishable gratification
 ‘ to his ancestors in the other world :

276. ‘ The tenth and so forth, except the
 ‘ fourteenth, in the dark half of the month, are
 ‘ the lunar days most approved for sacred obse-
 ‘ quies: as they *are*, so *are* not the others.

277. ‘ He, who does honour to the manes,
 ‘ on even lunar days, and under even lunar sta-
 ‘ tions, enjoys all his desires; on odd lunar days,
 ‘ and under odd lunar asterisms, he procures an
 ‘ illustrious race.

278. ‘ As the latter, *or dark*, half of the month
 ‘ surpasses, for the celebration of obsequies, the
 ‘ former, *or bright* half, so the latter half of the
 ‘ day surpasses, *for the same purpose*, the former
 ‘ half of it.

279. ‘ The oblation to ancestors must be
 ‘ duly made, even to *the conclusion of it with*
 ‘ *the distribution* to the servants (or even to
 ‘ the close of life), in the form prescribed,
 ‘ by a *Bráhmén* wearing his thread on his
 ‘ right shoulder, proceeding from left to right,

‘ without remissness, and with *cus'a-gras* in his
 ‘ hand.

280. ‘ Obsequies must not be performed by
 ‘ night; since the night is called *rácshasì* or *in-*
 ‘ *festèd by demons*; nor while the sun is rising or
 ‘ setting, nor when it has just risen.

281. ‘ A house-keeper, *unable to give a*
 ‘ *monthly repast*, may perform obsequies here
 ‘ below, according to the sacred ordinance, only
 ‘ thrice a year, in the seasons of *bémanta*, *grish-*
 ‘ *ma*, and *vershà*; but the five sacraments he
 ‘ must perform daily.

282. ‘ The sacrificial oblation, at obsequies to
 ‘ ancestors, is ordained to be made in no vulgar
 ‘ fire; nor should the monthly *sráddha* of that
 ‘ *Bráhmén*, who keeps a perpetual fire, be
 ‘ made on any day except on that of the con-
 ‘ junction.

283. ‘ When a twice-born man, having per-
 ‘ formed his ablution, offers a satisfaction to the
 ‘ manes with water only, *being unable to give a*
 ‘ *repast*, he gains by that offering all the fruit
 ‘ of a *sráddha*.

284. ‘ The wife call our fathers, *Vasus*; our
 ‘ paternal grandfathers, *Rudras*; our paternal great
 ‘ grandfathers, *A'dityas* (that is, *all are to be re-*
 ‘ *vered as deities*); and to this effect there is a
 ‘ primeval text in the *Véda*.

285. ‘ Let a man, who is able, continually

‘ feed on *vighasa*, and continually feed on *am-
‘ rita* : by *vighasa* is meant the residue of a repast
‘ at obsequies ; and by *amrita*, the residue of a
‘ sacrifice to the gods.

286. ‘ THIS complete system of rules, for the
‘ five sacraments and the like, has been de-
‘ clared to you : now hear the law for those
‘ means of subsistence, which the chief of the
‘ twice-born may seek.

CHAPTER THE FOURTH

On Economicks ; and Private Morals.

1. ‘ LET a *Brábmén*, having dwelt with a
‘ preceptor during the first quarter of a man’s
‘ life, pass the second quarter of human life in
‘ his own house, when he has contracted a legal
‘ marriage.

2. ‘ He must live, with no injury, or with
‘ the least possible injury, to animated beings, by
‘ pursuing those means of gaining subsistence,
‘ which are strictly prescribed by law, except in
‘ times of distress:

3. ‘ For the sole purpose of supporting life,
‘ let him acquire property by those irreproacha-
‘ ble occupations, which are peculiar to his class,
‘ and unattended with bodily pain.

4. ‘ He may live by *rīta* and *amrīta*, or, if
‘ necessary, by *mrīta*, or *pramrīta*, or even by *śa-
‘ tyánrīta*; but never let him subsist by *śwav-
‘ rītti*:

5. ‘ By *rīta*, must be understood lawful glean-
‘ ing and gathering; by *amrīta*, what is un-
‘ asked; by *mrīta*, what is asked as alms; tillage
‘ is called *pramrīta*;

6. ‘ Traffick and money lending are *satyánrīta* ;
 ‘ even by them, *when he is deeply distressed*, may
 ‘ he support life ; but service for hire is named
 ‘ *śwāvṛitti*, or *dog-living*, and of course he must
 ‘ by all means avoid it.

7. ‘ He may either store up grain for three
 ‘ years; or garner up enough for one year; or
 ‘ collect what may last three days; or make no
 ‘ provision for the morrow.

8. ‘ Of the four *Bráhmens* keeping house, *who*
 ‘ *follow those four different modes*, a preference
 ‘ is given to the last in order successively; as to
 ‘ him, who most completely by virtue has van-
 ‘ quished the world :

9. ‘ One of them subsists by all the six means
 ‘ of livelihood ; another by three of them ; a
 ‘ third, by two only ; and a fourth lives barely
 ‘ on continually teaching the *Vēda*.

10. ‘ He, who sustains himself by picking up
 ‘ grains and ears, must attach himself to some
 ‘ altar of consecrated fire, but constantly per-
 ‘ form those rites only, which end with the
 ‘ dark and bright fortnights and with the sol-
 ‘ stices.

11. ‘ Let him never, for the sake of a sub-
 ‘ sistence, have recourse to popular conversation;
 ‘ let him live by the conduct of a priest, neither
 ‘ crooked, nor artful, nor blended *with the man-
 ‘ ners of the mercantile class*.

12. ' Let him, if he seek happiness, be firm
 ' in perfect content, and check all desire of ac-
 ' quiring more *than he possesses*; for happiness
 ' has its root in content, and discontent is the root
 ' of misery.

13. ' A *Bráhmén* keeping house, and sup-
 ' porting himself by any of the *legal* means be-
 ' fore mentioned, must discharge these *following*
 ' duties, which conduce to fame, length of life,
 ' and beatitude.

14. ' Let him daily without sloth perform his
 ' peculiar duty, which the *Véda* prescribes; for
 ' he, who performs that *duty*, as well as he is
 ' able, attains the highest path to supreme bliss.

15. ' He must not gain wealth *by musick or*
 ' *dancing*, or by any art that pleases the sense;
 ' nor by any prohibited art; nor, whether he be
 ' rich or poor, *must he receive gifts* indiscrimi-
 ' nately.

16. ' Let him not, from a selfish appetite, be
 ' strongly addicted to any sensual gratification;
 ' let him, by improving his intellect, studiously
 ' preclude an excessive attachment to such plea-
 ' sures, *even though lawful*.

17. ' All kinds of wealth, that may impede
 ' his reading the *Véda*, let him wholly abandon,
 ' persisting by all means in the study of scrip-
 ' ture; for that will be found his most beneficial
 ' attainment.

18. ‘ Let him pass through this life, bringing
 ‘ his apparel, his discourse, and his frame of mind,
 ‘ to a conformity with his age, his occupations,
 ‘ his property, his divine knowledge, and his
 ‘ family.

19. ‘ Each day let him examine those holy
 ‘ books, which soon give increase of wisdom;
 ‘ and those, which teach the means of acquiring
 ‘ wealth; those, which are salutary to life;
 ‘ and those *nigamas*, which are explanatory of
 ‘ the *Vēda*;

20. ‘ Since, as far as a man studies completely
 ‘ the system of sacred literature, so far only can
 ‘ he become eminently learned, and so far may
 ‘ his learning shine brightly.

21. ‘ The sacramental oblations to sages, to
 ‘ the gods, to spirits, to men, and to his ancestors,
 ‘ let him constantly perform to the best of his
 ‘ power.

22. ‘ Some, who well know the ordinances
 ‘ for those oblations, perform not always exter-
 ‘ nally the five great sacraments, but continually
 ‘ make offerings in their own organs *of sensation*
 ‘ *and intellect*:

23. ‘ Some constantly sacrifice their breath
 ‘ in their speech, *when they instruct others, or*
 ‘ *praise God aloud*, and their speech in their
 ‘ breath, *when they meditate in silence*; perceiving

‘ in their speech and breath *thus employed* the
 ‘ unperishable fruit of a sacrificial offering:

24. ‘ Other *Brábmens* incessantly perform
 ‘ those sacrifices with scriptural knowledge only;
 ‘ seeing with the eye of divine learning, that
 ‘ scriptural knowledge is the root of every cere-
 ‘ monial observance.

25. ‘ Let a *Brábmén* perpetually make obla-
 ‘ tions to consecrated fire, at the beginning and
 ‘ end of day and night, and at the close of each
 ‘ fortnight, *or at the conjunction and opposition*:

26. ‘ At the season, when old grain is usually
 ‘ consumed, let him offer new grain for a plen-
 ‘ tiful harvest; and at the close of the season, let
 ‘ him perform the rites called *adhvara*; at the
 ‘ solstices let him sacrifice cattle; at the end of
 ‘ the year, let his oblations be made with the
 ‘ juice of the moonplant;

27. ‘ Not having offered grain for the harvest,
 ‘ nor cattle *at the time of the solstice*, let no
 ‘ *Brábmén*, who keeps hallowed fire, and wishes
 ‘ for long life, taste rice or flesh;

28. ‘ Since the holy fires, not being honoured
 ‘ with new grain and with a sacrifice of cattle,
 ‘ are greedy for rice and flesh, and seek to de-
 ‘ vour his vital spirits,

29. ‘ Let him take care, to the utmost of his
 ‘ power, that no guest sojourn in his house un-

‘ honoured with a seat, with food, with a bed,
 ‘ with water, with esculent roots, and with fruit:

30. ‘ But, let him not honour with his con-
 ‘ versation such as do forbidden acts; such as
 ‘ subsist, like cats, *by interested craft*; such, as
 ‘ believe not the scripture; such as oppugn it by
 ‘ sophisms; or such as live like rapacious water-
 ‘ birds.

31. ‘ With oblations to the gods and to an-
 ‘ cestors, let him do reverence to *Bráhmens* of the
 ‘ second order, who are learned in theology, who
 ‘ have returned home from their preceptors,
 ‘ after having performed their religious duties
 ‘ and fully studied the *Véda*; but men of an op-
 ‘ posite description let him avoid.

32. ‘ Gifts must be made by each house-
 ‘ keeper, as far as he has ability, to religious
 ‘ mendicants, though heterodox; and a just por-
 ‘ tion must be reserved, without inconvenience
 ‘ to his family, for all sentient beings, *animal and*
 ‘ *vegetable*.

33. ‘ A priest, who is master of a family, and
 ‘ pines with hunger, may seek wealth from a
 ‘ king of *the military class*, from a sacrificer, or
 ‘ his own pupil, but from no person else, *unless*
 ‘ *all other helps fail*: thus will he shew his respect
 ‘ for the law.

34. ‘ Let no priest, who keeps house, *and is*
 ‘ *able to procure food*, ever waste himself with

‘ hunger; nor, when he has any substance, let
 ‘ him wear old or fordid clothes.

35. ‘ His hair, nails, and beard, being clipped;
 ‘ *his passions* subdued; his mantle, white; his
 ‘ body, pure; let him diligently occupy himself
 ‘ in reading the *Vêda*, and be constantly intent
 ‘ on such acts, as may be salutary to him.

36. ‘ Let him carry a staff of *Vênu*, an ewer
 ‘ with water in it, a handful of *cus’a-grafs*, or a
 ‘ copy of the *Vêda*; with a pair of bright golden
 ‘ rings in his ears.

37. ‘ He must not gaze on the sun, whether
 ‘ rising or setting, or eclipsed, or reflected in
 ‘ water, or advanced to the middle of the sky.

38. ‘ Over a string, to which a calf is tied, let
 ‘ him not step; nor let him run, while it rains;
 ‘ nor let him look on his own image in water;
 ‘ this is a settled rule,

39. ‘ By a mound of earth, by a cow, by an
 ‘ idol, by a *Brâhmen*, by a pot of clarified but-
 ‘ ter, or of honey, by a place where four ways
 ‘ meet, and by large trees well known in the
 ‘ district, let him pass with his right hand to-
 ‘ ward them.

40. ‘ Let him not, though mad with desire,
 ‘ approach his wife, when her courses appear;
 ‘ nor let him then sleep with her in the same
 ‘ bed;

41. ‘ Since the knowledge, the manhood, the

‘ strength, the eyesight, even the vital spirit, of
 ‘ him, who approaches his wife thus defiled, ut-
 ‘ terly perish;

42. ‘ But the knowledge, the manhood, the
 ‘ strength, the sight, and the life of him, who
 ‘ avoids her in that state of defilement, are greatly
 ‘ increased.

43. ‘ Let him neither eat with his wife, nor
 ‘ look at her eating, or sneezing, or yawning, or
 ‘ sitting carelessly at her ease;

44. ‘ Nor let a *Brábmén*, who desires manly
 ‘ strength, behold her setting off her eyes with
 ‘ black powder, or scenting herself with es-
 ‘ sences, or baring her bosom, or bringing forth
 ‘ a child.

45. ‘ Let him not eat his food, wearing only
 ‘ a single cloth; nor let him bathe quite naked;
 ‘ nor let him eject urine or feces in the high-
 ‘ way, nor on ashes, nor where kine are grazing,

46. ‘ Nor on tilled ground, nor in water, nor
 ‘ on wood raised for burning, nor, *unless he be in*
 ‘ *great need*, on a mountain, nor on the ruins of
 ‘ a temple, nor at any time on a nest of white
 ‘ ants,

47. ‘ Nor in ditches with living creatures in
 ‘ them, nor walking, nor standing, nor on the
 ‘ bank of a river, nor on the summit of a moun-
 ‘ tain:

48. ‘ Nor let him ever eject them, looking at

‘ *things moved by the wind, or at fire, or at a
‘ priest, or at the sun, or at water, or at cattle ;*

49. ‘ But let him void his excrements, having
‘ covered the earth with wood, potherbs, *dry*
‘ leaves and grafs, or the like, carefully fuppress-
‘ ing his utterance, wrapping up his breast and
‘ his head :

50. ‘ By day let him void them with his face
‘ to the north ; by night, with his face to the
‘ fouth ; at funrife and funfet, in the fame man-
‘ ner as by day ;

51. ‘ In the fhade or in darknefs, whether by day
‘ or by night, let a *Bráhmén* eafe nature with his
‘ face turned as he pleafes ; and in places where
‘ he fears injury to life *from wild beafts or from*
‘ *reptiles.*

52. ‘ Of him, who fhould urine againft fire,
‘ againft the fun or the moon, againft a twice-
‘ born man, a cow, or the wind, all the facred
‘ knowledge would perifh.

53. ‘ Let him not blow the fire with his
‘ mouth ; let him not fee his wife naked ; let him
‘ not throw any foul thing into fire ; nor let him
‘ warm his feet in it ;

54. ‘ Nor let him place it *in a chafing difh*
‘ *under his bed ;* nor let him ftride over it ; nor
‘ let him keep it, *while he fleeps,* at his feet : let
‘ him do nothing, that may be injurious to life.

55. ‘ At the time of funrife or funfet, let him

‘ not eat, nor travel, nor lie down to rest; let
 ‘ him not idly draw lines on the ground; nor
 ‘ let him take off his own chaplet of flowers.

56. ‘ Let him not cast into water either urine
 ‘ or ordure, nor saliva, nor cloth, or any other
 ‘ thing, soiled with impurity, nor blood, nor any
 ‘ kinds of poison.

57. ‘ Let him not sleep alone in an empty
 ‘ house; nor let him wake a sleeping man *superiour to himself in wealth and in learning*; nor
 ‘ let him speak to a woman at the time of her
 ‘ courses; not let him go to *perform* a sacrifice,
 ‘ unattended by an *officiating priest*.

58. ‘ In a temple of *consecrated fire*, in the
 ‘ pasture of kine, in the presence of *Bráhmens*,
 ‘ in reading the *Véda*, and in eating his food, let
 ‘ him hold out his right arm uncovered.

59. ‘ Let him not interrupt a cow *while she is*
 ‘ drinking, nor give notice to any, *whose milk or*
 ‘ *water she drinks*; nor let him, who knows *right*
 ‘ *from wrong*, and sees in the sky the bow of
 ‘ INDRA, show it to any man.

60. ‘ Let him not inhabit a town, in which
 ‘ civil and religious duties are neglected; nor, for
 ‘ a long time, one in which diseases are frequent:
 ‘ let him not begin a journey alone: let him not
 ‘ reside long on a mountain.

61. ‘ Let him not dwell in a city governed by
 ‘ a *Súdra* king, nor in one surrounded with men

‘ unobservant of their duties, nor in one abound-
 ‘ ing with professed hereticks, nor in one swarm-
 ‘ ing with lowborn outcasts.

62. ‘ Let him eat no vegetable, from which
 ‘ the oil has been extracted; nor indulge his ap-
 ‘ petite to satiety; nor eat either too early or too
 ‘ late; nor *take any food* in the evening, if he
 ‘ have eaten to fulness in the morning.

63. ‘ Let him make no vain corporeal exer-
 ‘ tion: let him not sip water *taken up* with his
 ‘ *closed* fingers: let him eat nothing *placed* in
 ‘ his lap: let him never take pleasure in asking
 ‘ idle questions.

64. ‘ Let him neither dance nor sing, nor
 ‘ play on musical instruments, *except in religious*
 ‘ *rites*; nor let him strike his arm, or gnash his
 ‘ teeth, or make a braying noise, though agitated
 ‘ by passion.

65. ‘ Let him not wash his feet in a pan of
 ‘ mixed yellow metal; nor let him eat from a
 ‘ broken dish, nor where his mind is disturbed
 ‘ with anxious apprehensions.

66. ‘ Let him not use either slippers or clothes,
 ‘ or a sacerdotal string, or an ornament, or a gar-
 ‘ land, or a waterpot, which before have been
 ‘ used by another.

67. ‘ With untrained beasts of burden let him
 ‘ not travel; nor with such, as are oppressed by
 ‘ hunger or by disease; nor with such as have

‘ imperfect horns, eyes, or hoofs; nor with such
‘ as have ragged tails:

68. ‘ But let him constantly travel with beasts
‘ well trained, whose pace is quick, who bear all
‘ the marks of a good breed, who have an agree-
‘ able colour, and a beautiful form; giving them
‘ very little pain with his whip.

69. ‘ The sun in the sign of *Canyà*, the smoke
‘ of a burning corse, and a broken feat, must
‘ be shunned: he must never cut his own hair
‘ and nails, nor ever tear his nails with his teeth.

70. ‘ Let him not break mould or clay *without*
‘ *cause*: let him not cut grass with his nails; let
‘ him neither indulge any vain fancy, nor do any
‘ act, that can bring no future advantage:

71. ‘ He, who *thus idly* breaks clay, or cuts
‘ grass, or bites his nails, will speedily sink to
‘ ruin; and *so shall* a detractor, and an unclean
‘ person.

72. ‘ Let him use no contumelious phrase:
‘ let him wear no garland except on his hair: to
‘ ride on the back of a bull or cow, is in all
‘ modes culpable.

73. ‘ Let him not pass, otherwise than by the
‘ gate, into a walled town, or an inclosed house;
‘ and by night let him keep aloof from the roots
‘ of trees.

74. ‘ Never let him play with dice: let him
‘ not put off his sandals with his hand: let him

‘ not eat, while he reclines on a bed, nor what
 ‘ is placed in his hand, or on a bench;

75. ‘ Nor, when the sun is set, let him eat
 ‘ any thing mixed with *tila*; nor let him ever in
 ‘ this world sleep quite naked; nor let him go
 ‘ any whither with a remnant of food in his
 ‘ mouth.

76. ‘ Let him take his food, having sprinkled
 ‘ his feet with water; but never let him sleep
 ‘ with his feet wet: he, who takes his food with
 ‘ his feet so sprinkled, will attain long life.

77. ‘ Let him never advance into a place un-
 ‘ distinguishable by his eye, or nor easily passable:
 ‘ never let him look at urine or ordure; nor let
 ‘ him pass a river *swimming* with his arms.

78. ‘ Let not a man, who desires to enjoy long
 ‘ life, stand upon hair, nor upon ashes, bones, or
 ‘ potsherds, nor upon seeds of cotton, nor upon
 ‘ husks of grain.

79. ‘ Nor let him tarry *even under the shade*
 ‘ *of the same tree* with outcasts for great crimes,
 ‘ nor with *Chandálas*, nor with *Puccasas*, nor
 ‘ with idiots, nor with men proud of wealth, nor
 ‘ with *washermen and other vile persons*, nor with
 ‘ *Antyavafáyins*.

80. ‘ Let him not give *even temporal* advice
 ‘ to a *Súdra*; nor, *except to his own servant*, what
 ‘ remains from his table; nor clarified butter, of
 ‘ which part has been offered *to the gods*; nor let

‘ him *in person* give spiritual counsel to such a
 ‘ man, nor *personally* inform him of the legal ex-
 ‘ piation for his sin :

81. ‘ Surely he, who declares the law to a fer-
 ‘ vile man, and he, who instructs him in the
 ‘ mode of expiating sin, *except by the intervention*
 ‘ *of a priest*, sinks with that very man into the
 ‘ hell named *Aśamvṛita*.

82. ‘ Let him not stroke his head with both
 ‘ hands ; nor let him even touch it, while food
 ‘ remains in his mouth ; nor without *batbing it*,
 ‘ let him bathe his body.

83. ‘ Let him not *in anger* lay hold of hair, or
 ‘ smite any one on the head ; nor let him, after
 ‘ his head has been rubbed with oil, touch *with*
 ‘ *oil* any of his limbs.

84. ‘ From a king, not born in the military
 ‘ class, let him accept no gift, nor from such as
 ‘ keep a slaughterhouse or an oilpress, or put out
 ‘ a vintner’s flag, or subsist by the gain of prosti-
 ‘ tutes :

85. ‘ One oilpress is as bad as ten slaughter-
 ‘ houses ; one vintner’s flag, as ten oilpresses ; one
 ‘ prostitute, as ten vintner’s flags ; one *such*
 ‘ king, as ten prostitutes ;

86. ‘ With a slaughterer, *therefore*, who em-
 ‘ ploys ten thousand slaughterhouses, a king, *not*
 ‘ *a soldier by birth*, is declared to be on a level ;
 ‘ *and* a gift from him is tremendous.

87. ‘ He, who receives a present from an avaricious king and a transgressor of the sacred ordinances, goes in succession to the following twenty-one hells :

88. ‘ *Támisra, Andbatámisra, Maháaurava, Raurava, Naraca, Cálasūtra, and Mabánaraca;*

89. ‘ *Sanjivana, Mahávíchi, Tapana, Sampatáná, Sanbáta, Sacácóla, Cudmala, Pūtimrītika;*

90. ‘ *Lóhasancu, or ironspiked, and Rijísba, Pant’bána, the river Sálmalì, Asipatravana, or the swordleaved forest, and Lób’ángáraca, or the pit of redhot charcoal.*

91. ‘ *Bráhmens, who know this law, who speak the words of the Véda, and who seek bliss after death, accept no gifts from a king.*

92. ‘ *LET the housekeeper wake in the time sacred to BRA’HMI, the goddess of speech, that is, in the last watch of the night : let him then reflect on virtue and virtuous emoluments, on the bodily labour, which they require, and on the whole meaning and very essence of the Véda.*

93. ‘ *Having risen, having done what nature makes necessary, having then purified himself and fixed his attention, let him stand a long time repeating the gáyatrì for the first or morning twilight; as he must, for the last or evening twilight in its proper time.*

94. ‘ *By continued repetition of the gáyatrì at the twilights, the holy sages acquire length of*

‘ days, perfect knowledge, reputation during life,
‘ fame after death, and celestial glory.

95. ‘ Having duly performed the *upácarma*,
‘ or *domestic ceremony with sacred fire*, at the full
‘ moon of *Srávana* or of *Bhádra*, let the *Bráb-*
‘ *men*, fully exerting his intellectual powers, read
‘ the *Védas* during four months and one fort-
‘ night :

96. ‘ Under the lunar asterism *Puṣhya*, or on
‘ the first day of the bright half of *Mágha*, and
‘ in the first part of the day, let him perform, out
‘ of the town, *the ceremony called the utserga* of
‘ the *Védas*.

97. ‘ Having performed that ceremony out of
‘ town, as the law directs, let him desist from
‘ reading for one *intermediate* night winged with
‘ *two days*, or for that day and *that following*
‘ night only ;

98. ‘ But after that *intermission*, let him atten-
‘ tively read the *Védas* in the bright fortnights ;
‘ and in the dark fortnights let him constantly
‘ read all the *Védángas*.

99. ‘ He must never read the *Véda* without
‘ accents and letters well pronounced ; nor ever
‘ in the presence of *Súdras* ; nor, *having begun*.
‘ *to read it* in the last watch of the night, must
‘ he, though fatigued, sleep again.

100. ‘ By the rule just mentioned let him
‘ continually, with his faculties exerted, read the
‘ *Mantras*, or holy texts, composed in regular

‘ measures ; and, when he is under no restraint,
 ‘ let him read both the *Mantras* and the
 ‘ *Bráhmaṇas*, or chapters on the attributes of
 ‘ GOD.

101. ‘ LET a reader of the *Vēda*, and a teacher
 ‘ of it to his pupils, in the form prescribed, al-
 ‘ ways avoid reading on the following prohibited
 ‘ days.

102. ‘ By night, when the wind meets his
 ‘ ear, and by day when the dust is collected,
 ‘ he must not read in the season of rain; since both
 ‘ those times are declared unfit for reading, by
 ‘ such as know when the *Vēda* ought to be read.

103. ‘ In lightning, thunder, and rain, or
 ‘ during the fall of large fireballs on all sides, at
 ‘ such times MENU has ordained the reading of
 ‘ scripture to be deferred till the same time next
 ‘ day.

104. ‘ When the priest perceives those acci-
 ‘ dents occurring at once, while his fires are kindled
 ‘ for *morning and evening* sacrifices, then let him
 ‘ know, that the *Vēda* must not be read ; and
 ‘ when clouds are seen gathered out of season.

105. ‘ On the occasion of a preternatural
 ‘ sound from the sky, of an earthquake, or an
 ‘ obscuration of the heavenly bodies, even in due
 ‘ season, let him know, that his reading must be
 ‘ postponed till the proper time :

106. ‘ But if, while his fires are blazing,
 ‘ the sound of lightning and thunder is heard

‘ *without rain*, his reading must be discontinued,
 ‘ only while the phenomenon lasts; the remain-
 ‘ ing event, *or rain also*, happening, it must cease
 ‘ for a night and a day.

107. ‘ The reading of such, as wish to attain
 ‘ the excellent reward of virtue, must continually
 ‘ be suspended in towns and in cities, and always
 ‘ where an offensive smell prevails.

108. ‘ In a district, through which a corpse
 ‘ is carried, and in the presence of an unjust per-
 ‘ son, the reading of scripture must cease; *and*
 ‘ while the sound of weeping is heard; and *in a*
 ‘ promiscuous assembly of men.

109. ‘ In water, near midnight, and while the two
 ‘ natural excretions are made, or with a remnant
 ‘ of food in the mouth, or when the *śráddha* has
 ‘ recently been eaten, let no man even meditate
 ‘ in his heart *on the holy texts*.

110. ‘ A learned *Bráhmén*, having received an
 ‘ invitation to the obsequies of a single ancestor,
 ‘ must not read the *Véda* for three days; nor
 ‘ when the king has a son born; nor when the
 ‘ dragon’s head causes an eclipse.

111. ‘ As long as the scent and unctuousity of
 ‘ perfumes remain on the body of a learned
 ‘ priest, who has partaken of an entertainment,
 ‘ so long he must abstain from pronouncing the
 ‘ texts of the *Véda*.

112. ‘ Let him not read tolling on a couch,

‘ nor with his feet raised on a bench, nor with
 ‘ his thighs crossed, nor having lately swallowed
 ‘ meat, or the rice and other food *given* on the
 ‘ birth or death of a relation ;

113. ‘ Nor in a cloud of dust, nor while ar-
 ‘ rows whiz, or a *hute sounds*, nor in either of the
 ‘ twilights, nor at the conjunction, nor on the
 ‘ fourteenth day, nor at the opposition, nor on the
 ‘ eighth day, of the moon :

114. ‘ The dark lunar day destroys the spi-
 ‘ ritual teacher; the fourteenth destroys the
 ‘ learner; the eighth and the day of the full
 ‘ moon destroy *all remembrance* of scripture; for
 ‘ which reasons he must avoid reading on those
 ‘ lunar days.

115. ‘ Let no *Bráhmén* read, while dust falls
 ‘ like a shower, nor while the quarters of the
 ‘ firmament are inflamed, nor while skakals
 ‘ yell, nor while dogs bark or yelp, nor while
 ‘ asses or camels bray, nor while men in company
 ‘ chatter.

116. ‘ He must not read near a cemetery, near
 ‘ a town, or in a pasture for kine; nor in a
 ‘ mantle worn before at a time of dalliance;
 ‘ nor having just received the present usual at
 ‘ obsequies:

117. ‘ Be it an animal, or a thing inanimate,
 ‘ or whatever be the gift at a *śráddha*, let him
 ‘ not, having lately accepted it, read the *Véda*;

‘ for such a *Brábmén* is said to have his mouth
 ‘ in his hand.

118. ‘ When the town is beset by robbers, or
 ‘ an alarm has been raised by fire, and all in ter-
 ‘ rors from strange phenomena, let him know,
 ‘ that his lecture must be suspended till the due
 ‘ time *after the cause of terror has ceased*.

119. ‘ The suspension of reading scripture,
 ‘ after a performance of the *upácarma* and *utserga*,
 ‘ must be for three whole nights, *by the man who*
 ‘ *seeks virtue more than knowledge*; also for one
 ‘ day and night, on the eight lunar days which
 ‘ follow those ceremonies, and on the nights at
 ‘ the close of the seasons.

120. ‘ Never let him read on horseback, nor
 ‘ on a tree, nor on an elephant, nor in a boat,
 ‘ nor on an ass, nor on a camel, nor standing on
 ‘ barren ground, nor borne in a carriage;

121. ‘ Nor during a verbal altercation, nor
 ‘ during a mutual assault, nor with an army, nor
 ‘ in battle, nor after food, *while his hand is*
 ‘ *moist from washing*, nor with an indigestion,
 ‘ nor after vomiting, nor with four eructations;

122. ‘ Nor without notice to a guest just ar-
 ‘ rived, nor while the wind vehemently blows,
 ‘ nor when blood gushes from his body, nor
 ‘ when it is wounded by a weapon.

123. ‘ While the strain of the *Sáman* meets
 ‘ his ear, he shall not read the *Rích*, or the *Ya-*

‘ *just*; nor any part of the *Véda*, when he has
 ‘ just concluded the whole; nor *any other part*,
 ‘ when he has just finished the book entitled
 ‘ *A'ranyaca*:

124. ‘ The *Rigvéda* is held sacred to the gods;
 ‘ the *Yajurveda* relates to mankind; the *Sáma-*
 ‘ *véda* concerns the manes of ancestors, and the
 ‘ sound of it, *when chanted*, raises therefore a
 ‘ notion of something impure.

125. ‘ Knowing this *collection of rules*, let the
 ‘ learned read the *Véda* on every *lawful* day,
 ‘ having first repeated in order the pure essence
 ‘ of the three *Védas*, namely, the *pranava*, the
 ‘ *vyábr̥itis*, and the *gáyatrī*.

126. ‘ If a beast used in agriculture, a frog, a
 ‘ cat, a dog, a snake, an ichneumon, or a rat, pass
 ‘ between *the lecturer and his pupil*, let him know,
 ‘ that the lecture must be intermitted for a day
 ‘ and a night.

127. ‘ Two occasions, when the *Véda* must
 ‘ not be read, let a *Bráhm̐en* constantly observe
 ‘ with great care; *namely*, when the place for
 ‘ reading it is impure, and when he is himself
 ‘ unpurified.

128. ‘ ON the dark night of the moon, and
 ‘ on the eighth, on the night of the full moon,
 ‘ and on the fourteenth, let a *Bráhm̐en*, who keeps
 ‘ house, be continually chaste as a student in theo-
 ‘ logy, even in the season of nuptial embraces.

129. ' Let him not bathe, having just eaten;
 ' nor while he is afflicted with disease; nor in
 ' the middle of the night; nor with many
 ' clothes; nor in a pool of water imperfectly
 ' known.

130. ' Let him not intentionally pass over the
 ' shadow of sacred images, of a natural or spiri-
 ' tual father, of a king, of a *Bráhmén*, who keeps
 ' house, or of any reverend personage; nor of a
 ' redhaired or coppercoloured man; nor of one,
 ' who has just performed a sacrifice.

131. ' At noon or at midnight, or having eaten
 ' flesh at a *śráddha*, or in either of the twilights,
 ' let him not long tarry, where four ways meet.

132. ' He must not stand knowingly near oil and
 ' other things, with which a man has rubbed his
 ' body, or water, in which he has washed him-
 ' self, or feces and urine, or blood, or mucus, or
 ' any thing chewed and spitten out, or any thing
 ' vomited.

133. ' Let him shew no particular attention to
 ' his enemy, or his enemy's friend, to an unjust
 ' person, to a thief, or to the wife of another
 ' man;

134. ' Since nothing is known in this world
 ' so obstructive to length of days, as the
 ' culpable attention of a man to the wife of
 ' another.

135. ' Never let him, who desires an increase

‘ of wealth, despise a warriour, a serpent, or a
 ‘ priest versed in scripture, how mean soever
 ‘ *they may appear* ;

136. ‘ Since those three, when contemned,
 ‘ may destroy a man; let a wise man therefore
 ‘ always beware of treating those three with con-
 ‘ tempt :

137. ‘ Nor should he despise *even* himself on
 ‘ account of previous miscarriages : let him pur-
 ‘ sue fortune till death, nor ever think her hard
 ‘ to be attained.

138. ‘ Let him say what is true, but let him
 ‘ say what is pleasing ; let him speak no disagree-
 ‘ able truth, nor let him speak agreeable false-
 ‘ hood : this is a primeval rule.

139. ‘ Let him say “ well and good,” or let
 ‘ him say, “ well” only ; but let him not main-
 ‘ tain fruitless enmity and altercation with any
 ‘ man.

140. ‘ Let him not journey too early in the
 ‘ morning or too late in the evening, nor too
 ‘ near the midday, nor with an unknown com-
 ‘ panion, nor alone, nor with men of the servile
 ‘ class.

141. ‘ Let him not insult those, who want a
 ‘ limb, or have a limb redundant, who are un-
 ‘ learned, who are advanced in age, who have
 ‘ no beauty, who have no wealth, or who are of
 ‘ an ignoble race.

142. ‘ Let no priest, unwashed after food,
 ‘ touch with his hand a cow, a *Bráhmén*, or fire;
 ‘ nor, being in good health *and* unpurified, let
 ‘ him even look at the luminaries in the firma-
 ‘ ment:

143. ‘ But, having accidentally touched them
 ‘ before his purification, let him ever sprinkle,
 ‘ with water in the palm of his hand, his organs
 ‘ of sensation, all his limbs, and his navel.

144. ‘ Not being in pain from disease, let him
 ‘ never without cause touch the cavities of his
 ‘ body; and carefully let him avoid his concealed
 ‘ hair.

145. ‘ Let him be intent on *those propi-*
 ‘ *tious observances which lead to* good fortune,
 ‘ and on the discharge of his customary duties,
 ‘ his body and mind being pure, and his members
 ‘ kept in subjection; let him constantly without
 ‘ remissness repeat the *gáyatrì*, and present his
 ‘ oblation to fire:

146. ‘ To those, who are intent on good for-
 ‘ tune and on the discharge of their duties, who
 ‘ are always pure, who repeat the holy text and
 ‘ make oblations to fire, no calamity happens.

147. ‘ In due season let him ever study the
 ‘ scripture without negligence; for the sages
 ‘ call that his principal duty: every other duty
 ‘ is declared to be subordinate.

148. ‘ By reading the *Véda* continually, by

‘ purity of body and mind, by rigorous devotion, and by doing no injury to animated creatures, he brings to remembrance his former birth:

149. ‘ A *Bráhmén*, remembering his former birth, again reads the *Véda*, and, by reading it constantly, attains bliss without end.

150. ‘ On the days of the conjunction and opposition, let him constantly make those oblations, which are hallowed by the *gáyatri*, and those, which avert misfortune; but on the eighth and ninth lunar days of the three dark fortnights after the end of *Agrabáyan*, let him always do reverence to the manes of ancestors.

151. ‘ Far from the mansion of holy fire, let him remove all ordure; far let him remove water, in which feet have been washed; far let him remove all remnants of food, and all seminal impurity.

152. ‘ AT the beginning of each day let him discharge his feces, bathe, rub his teeth, apply a collyrium to his eyes, adjust his dress, and adore the gods.

153. ‘ On the dark lunar day, and on the other monthly *parvans*, let him visit the images of deities, and *Bráhméns* eminent in virtue, and the ruler of the land, for the sake of protection, and those whom he is bound to revere.

154. ‘ Let him humbly greet venerable men,

‘ *who visit him*, and give them his own seat; let
 ‘ him sit near them, closing the palms of his
 ‘ hands; and when they depart, let him walk
 ‘ some way behind them.

155. ‘ Let him practise without intermission
 ‘ that system of approved usages, which is the
 ‘ root of all duty religious and civil, declared at
 ‘ large in the scripture and sacred lawtracts, to-
 ‘ gether with the ceremonies peculiar to each
 ‘ act;

156. ‘ Since by such practice long life is at-
 ‘ tained; by such practice *is gained* wealth un-
 ‘ perishable; such practice baffles every mark of
 ‘ ill fortune :

157. ‘ But, by an opposite practice, a man
 ‘ surely sinks to contempt in this world, has al-
 ‘ ways a large portion of misery, is afflicted with
 ‘ disease and shortlived;

158. ‘ While the man, who is observant of
 ‘ approved usages, endued with faith in scrip-
 ‘ ture, and free from a spirit of detraction, lives
 ‘ a hundred years, even though he bear no
 ‘ bodily mark of a prosperous life.

159. ‘ Whatever act depends on another man,
 ‘ ~~that~~ act let him carefully shun; but whatever
 ‘ depends on himself, to that let him studiously
 ‘ attend :

160. ‘ ALL, THAT DEPENDS ON ANOTHER,

‘ GIVES PAIN; AND ALL, THAT DEPENDS ON
 ‘ HIMSELF, GIVES PLEASURE; let him know
 ‘ this to be in few words the definition of plea-
 ‘ sure and pain.

161. ‘ When an act, *neither prescribed nor*
 ‘ *prohibited*, gratifies the mind of him, who per-
 ‘ forms it, let him perform it with diligence;
 ‘ but let him avoid its opposite.

162. ‘ Him, by whom he was invested with
 ‘ the sacrificial thread, him, who explained the
 ‘ *Vêda* or even a part of it, his mother, and his
 ‘ father, natural or spiritual, let him never op-
 ‘ pose; nor priests, nor cows, nor persons truly
 ‘ devout.

163. ‘ Denial of a future state neglect of the
 ‘ scripture, and contempt of the deities, envy and
 ‘ hatred, vanity and pride, wrath and severity,
 ‘ let him at all times avoid.

164. ‘ Let him not, when angry, throw a
 ‘ stick at another man, nor smite him with any
 ‘ thing; unless he be a son or a pupil: those
 ‘ two he may chastise for their *improvement* in
 ‘ learning.

165. ‘ A twice-born man, who barely as-
 ‘ saults a *Brâhmen* with intention to hurt him,
 ‘ shall be whirled about for a century in the hell
 ‘ named *Tâmisra*;

166. ‘ But, having smitten him in anger, and

‘ by design, even with a blade of grass, he shall
‘ be born, in one and twenty transmigrations,
‘ from the wombs of impure quadrupeds.

167. ‘ He, who, through ignorance of the
‘ law, sheds blood from the body of a *Bráhmén*,
‘ not engaged in battle, shall feel excessive pain
‘ in his future life :

168. ‘ As many particles of dust as the blood
‘ shall roll up from the ground, for so many years
‘ shall the shedder of that blood be mangled by
‘ other animals in his next birth.

169. ‘ Let not him then, who knows *this law*,
‘ even assault a *Bráhmén* at any time, nor strike
‘ him even with grass, nor cause blood to gush
‘ from his body.

170. ‘ EVEN here below an unjust man attains
‘ no felicity ; nor he, whose wealth proceeds from
‘ giving false evidence ; nor he, who constantly
‘ takes delight in mischief.

171. ‘ Though oppressed by penury, in con-
‘ sequence of his righteous dealings, let him never
‘ give his mind to unrighteousness ; for he may
‘ observe the speedy overthrow of iniquitous and
‘ sinful men.

172. ‘ Iniquity, committed in this world,
‘ produces not fruit immediately, *but*, like the
‘ earth, *in due season* ; and, advancing by little
‘ and little, it eradicates the man, who committed
‘ it.

173. ‘ Yes; iniquity, once committed, fails
 ‘ not of producing fruit to him, who wrought
 ‘ it; if not in his own person, yet in his sons;
 ‘ or, if not in his sons, yet in his grandsons:

174. ‘ He grows rich for a while through
 ‘ unrighteousness; then he beholds good things;
 ‘ then it is, that he vanquishes his foes; but he
 ‘ perishes at length from his whole root up-
 ‘ wards.

175. ‘ LET a man continually take pleasure
 ‘ in truth, in justice, in laudable practices, and in
 ‘ purity; let him chastise those, whom he may
 ‘ chastise, in a legal mode; let him keep in sub-
 ‘ jection his speech, his arm, and his appetite:

176. ‘ Wealth and pleasures, repugnant to
 ‘ law, let him shun; and even lawful acts, which
 ‘ may cause future pain, or be offensive to man-
 ‘ kind.

177. ‘ Let him not have nimble hands, rest-
 ‘ less feet, or voluble eyes; let him not be crooked
 ‘ in his ways; let him not be flippant in his
 ‘ speech, nor intelligent in doing mischief.

178. ‘ Let him walk in the path of good men;
 ‘ the path, in which his parents and forefathers
 ‘ walked: while he moves in that path, he can
 ‘ give no offence.

179. ‘ WITH an attendant on consecrated
 ‘ fire, a performer of holy rites, and a teacher of
 ‘ the *Vêda*, with his maternal uncle, with his

‘ guest or a dependant, with a child, with a
 ‘ man either aged or sick, with a physician,
 ‘ with his paternal kindred, with his relations by
 ‘ marriage, and with cousins on the side of his
 ‘ mother,

180. ‘ With his mother herself, or with his
 ‘ father, with his kinswomen, with his brother,
 ‘ with his son, his wife, or his daughter, and
 ‘ with his whole set of servants, let him have no
 ‘ strife.

181. ‘ A house-keeper, who shuns altercation
 ‘ with those *just mentioned*, is released from all
 ‘ secret faults ; and, by suppressing all such dis-
 ‘ putes, he obtains a victory over the following
 ‘ worlds:

182. ‘ The teacher of the *Vēda* secures him
 ‘ the world of BRAHMA ; his father, the world
 ‘ of the *Sun*, or of the *Prájapetis*; his guest, the
 ‘ world of INDRA ; his attendance on holy fire,
 ‘ the world of *Dévas*;

183. ‘ His female relations, the world of ce-
 ‘ lestial nymphs ; his maternal cousins, the world
 ‘ of the *Viśvadévas* ; his relations by affinity, the
 ‘ world of waters ; his mother and maternal
 ‘ uncle give him power on earth ;

184. ‘ Children, old men, poor dependants,
 ‘ and sick persons, must be considered as rulers
 ‘ of the pure ether, his elder brother, as equal

‘ to his father; his wife and son, as his own
 ‘ body;

185. ‘ His assemblage of servants, as his own
 ‘ shadow; his daughter, as the highest object of
 ‘ tenderness: let him, therefore, when offended
 ‘ by any of those, bear the offence without in-
 ‘ dignation.

186. ‘ THOUGH permitted to receive presents,
 ‘ let him avoid a habit of taking them; since,
 ‘ by taking many gifts, his divine light soon
 ‘ fades.

187. ‘ Let no man of sense, who has not fully
 ‘ informed himself of the law concerning gifts of
 ‘ *particular* things, accept a present, even though
 ‘ he pine with hunger.

188. ‘ The man, who knows not that law,
 ‘ yet accepts gold or gems, land, a horse, a
 ‘ cow, food, raiment, oils or clarified butter,
 ‘ becomes mere ashes, like wood consumed by
 ‘ fire:

189. ‘ Gold and gems burn up his nourish-
 ‘ ment and life; land and a cow, his body; a
 ‘ horse, his eyes; raiment, his skin; clarified
 ‘ butter, his manly strength; oils, his progeny.

190. ‘ A twice-born man, void of true devo-
 ‘ tion, and not having read the *Vēda*, yet eager
 ‘ to take a gift, sinks down together with it, as
 ‘ with a boat of stone in deep water.

191. ‘ Let him then, who knows not
 ‘ law, be fearful of presents from this or that
 ‘ giver ; since an ignorant man, even by a small
 ‘ gift, may become helpless as a cow in a bog.

192. ‘ Let no man, apprized of this law, pre-
 ‘ sent even water to a priest, who acts like a cat,
 ‘ not to him, who acts like a bittern, nor to him,
 ‘ who is unlearned in the *Vēda* ;

193. ‘ Since property, though legally gained,
 ‘ if it be given to either of those three, becomes
 ‘ prejudicial in the next world both to the giver
 ‘ and receiver:

194. ‘ As he, who tries to pass over deep
 ‘ water in a boat of stone, sinks to the bottom,
 ‘ so those two ignorant men, the receiver and the
 ‘ giver, sink to a region of torment.

195. ‘ A covetous wretch, who continually
 ‘ displays the flag of virtue, a pretender, a de-
 ‘ luder of the people, is declared to be the man,
 ‘ who acts like a cat : he is an injurious hypo-
 ‘ crite, a detractor from the merits of all men.

196. ‘ A twice-born man, with his eyes de-
 ‘ jected, morose, intent on his own advantage,
 ‘ sly, and falsely demure, is he, who acts like a
 ‘ bittern.

197. ‘ Such priests, as live like bitterns, and
 ‘ such as demean themselves like cats, fall by
 ‘ that sinful conduct into the hell called *And-
 ‘ batāmisra*.

198. ' LET no man, having committed sin,
 ' perform a penance, under the pretext of austere
 ' devotion, disguising his crime under fictitious
 ' religion and deceiving both women and low men:

199. ' Such impostors, though *Bráhmens*, are
 ' despised, in the next life and in this, by all who
 ' pronounce holy texts; and every religious act
 ' fraudulently performed goes to evil beings.

200. ' He, who has no right to distinguishing
 ' marks, yet gains a subsistence by wearing false
 ' marks of distinction, takes to himself the sin
 ' committed by those who are entitled to such
 ' marks, and shall again be born from the womb
 ' of a brute animal.

201. ' NEVER let him bathe in the pool of
 ' another man; for he, who bathes in it *without*
 ' licence, takes to himself a small portion of the
 ' sins, which the maker of the pool has committed.

202. ' He, who appropriates to his own use
 ' the carriage, the bed, the seat, the well, the gar-
 ' den, or the house of another man, who has not
 ' delivered them to him, assumes a fourth part
 ' of the guilt of their owner.

203. ' In rivers, in ponds dug by holy per-
 ' sons, and in lakes, let him always bathe; in
 ' rivulets also, and in torrents.

204. ' A WISE man should constantly dis-
 ' charge all the moral duties, though he perform
 ' not constantly the ceremonies of religion; since

‘ he falls low, if, while he performs ceremonial
 ‘ acts only, he discharge not his moral duties,

205. ‘ NEVER let a priest eat part of a sacrifice not begun with texts of the *Vêda*, nor of
 ‘ one performed by a common sacrificer, by a
 ‘ woman, or by an eunuch :

206. ‘ When those persons offer the clarified
 ‘ butter, it brings misfortune to good men, and
 ‘ raises aversion in the deities ; such *oblations*,
 ‘ therefore, he must carefully shun.

207. ‘ Let him never eat the food of the insane, the wrathful, or the sick ; nor that, on
 ‘ which lice have fallen ; nor that, which has
 ‘ designedly been touched by a foot ;

208. ‘ Nor that, which has been looked at
 ‘ by the slayer of a priest, or by any other deadly
 ‘ sinner, or has even been touched by a woman
 ‘ in her courses, or pecked by a bird, or approached by a dog ;

209. ‘ Nor food which has been smelled by a
 ‘ cow ; nor particularly that, which has been
 ‘ proclaimed for all comers ; nor the food of associated knaves, or of harlots ; nor that, which
 ‘ is contemned by the learned in scripture ;

210. ‘ Nor that of a thief or a public sinner,
 ‘ of a carpenter, of an usurer, of one who has
 ‘ recently come from a sacrifice, of a niggardly
 ‘ churl, or of one bound with fetters ;

211. ‘ Of one publicly defamed, of an eu-

‘ much, of an unchaste woman, or of a hypocrite;
 ‘ nor any sweet thing turned acid, nor what has
 ‘ been kept a whole night; nor the food of a fer-
 ‘ vile man, nor the orts of another;

212. ‘ Nor the food of a physician, or of a
 ‘ hunter, or of a dishonest man, or of an eater of
 ‘ orts; nor that of any cruel person; nor of a
 ‘ woman in childbed; nor of him, who rises
 ‘ prematurely from table to make an ablution;
 ‘ nor of her, whose ten days of purification have
 ‘ not elapsed;

213. ‘ Nor that, which is given without due
 ‘ honour to honourable men; nor any flesh,
 ‘ which has not been sacrificed; nor the food of
 ‘ a woman, who has neither a husband nor a son;
 ‘ nor that of a foe, nor that of the whole town,
 ‘ nor that of an outcast, nor that on which any
 ‘ person has sneezed;

214. ‘ Nor that of a backbiter, or of a false
 ‘ witness; nor of one, who sells the reward of
 ‘ his sacrifice; nor of a publick dancer, or a
 ‘ tailor; nor of him, who has returned evil for
 ‘ good;

215. ‘ Nor that of a blacksmith, or a man of
 ‘ the tribe called *Nisháda*, nor of a stageplayer,
 ‘ nor of a worker in gold or in cane, nor of him
 ‘ who sells weapons;

216. ‘ Nor of those, who train hunting dogs,
 ‘ or sell fermented liquor; nor of him who

‘ washes clothes, or who dyes them; nor of any
 ‘ malevolent person; nor of one, who ignorantly
 ‘ suffers an adulterer to dwell under his roof;

217. ‘ Nor of those, who knowingly bear with
 ‘ the paramours of their own wives, or are con-
 ‘ stantly in subjection to women; nor food given
 ‘ for the dead before ten days of purification
 ‘ have passed; nor any food whatever, but that
 ‘ which satisfies him.

218. ‘ Food given by a king, impairs his
 ‘ manly vigour; by one of the servile class, his
 ‘ divine light; by goldsmiths, his life; by
 ‘ leatherscutters, his good name:

219. ‘ Given by *cooks and the like* mean ar-
 ‘ tisans, it destroys his offspring; by a washer-
 ‘ man, his muscular strength; but the food of
 ‘ knavish associates and harlots excludes him
 ‘ from heaven:

220. ‘ The food of a physician is purulent;
 ‘ that of a libidinous woman, seminal; that of an
 ‘ usurer, feculent; that of a weapon-maker, filthy:

221. ‘ That of all others, mentioned in order,
 ‘ whose food must never be tasted, is held equal
 ‘ by the wise to the skin, bones, and hair of the
 ‘ dead.

222. ‘ Having unknowingly swallowed the
 ‘ food of any such persons, he must fast during
 ‘ three days; but, having eaten it knowingly, he
 ‘ must perform the same harsh penance, as if he

‘ had tasted any seminal impurity, ordure, or
‘ urine.

223. ‘ Let no learned priest eat the dressed
‘ grain of a servile man, who performs no pa-
‘ rental obsequies ; but having no other means
‘ to live, he may take from him raw grain enough
‘ for a single night.

224. ‘ The deities, having well considered the
‘ food of a niggard, who has read the scripture,
‘ and that of an usurer, who bestows gifts libe-
‘ rally, declared the food of both to be equal in
‘ quality ;

225. ‘ But BRAHMA, advancing toward the
‘ gods, thus addressed them : “ Make not that
“ equal, which in truth is unequal ; since the
“ food of a liberal man is purified by faith, while
“ that of a learned miser is defiled by his want of
“ faith in what he has read.”

226. ‘ Let each *wealthy* man continually and
‘ sedulously perform sacred rites, and consecrate
‘ pools or gardens with faith ; since those two
‘ acts, accomplished with faith and with riches
‘ honestly gained, procure an unperishable re-
‘ ward.

227. ‘ If he meet with fit objects of benevo-
‘ lence, let him constantly bestow gifts on them,
‘ both at sacrifices and consecrations, to the best
‘ of his power and with a chearful heart ;

228. ‘ Such a gift, how small soever, be-

‘ flowed on request without grudging, passes to
 ‘ a worthy object, who will secure the giver from
 ‘ all evil.

229. ‘ A giver of water obtains content; a
 ‘ giver of food, extreme bliss; a giver of *tila*,
 ‘ desired offspring; a giver of a lamp, unble-
 ‘ mished eyesight;

230. ‘ A giver of land obtains landed pro-
 ‘ perty; a giver of gems or gold, long life; a
 ‘ giver of a house, the most exalted mansion; a
 ‘ giver of silver, exquisite beauty;

231. ‘ A giver of clothes, the same station
 ‘ with CHANDRA; a giver of a horse, the same
 ‘ station with ASWI; a giver of a bull, emi-
 ‘ nent fortune; a giver of a cow, the mansion of
 ‘ SU’RYA;

232. ‘ A giver of a carriage or a bed, an ex-
 ‘ cellent comfort; a giver of safety, supreme do-
 ‘ minion; a giver of grain, perpetual delight; a
 ‘ giver of scriptural knowledge, union with God:

233. ‘ Among all those gifts, of water, food,
 ‘ kine, land, clothes, *tila*, gold, clarified butter,
 ‘ and the rest, a gift of spiritual knowledge is
 ‘ consequently the most important;

234. ‘ And for whatever purpose a man bestows
 ‘ any gift, for a similar purpose he shall receive,
 ‘ with due honour, a similar reward.

235. ‘ Both he, who respectfully bestows a
 ‘ present, and he who respectfully accepts it,

‘ shall go to a seat of blifs; but, if they act
 ‘ otherwise, to a region of horror.

236. ‘ LET not a man be proud of his rigor-
 ‘ ous devotion; let him not, having sacrificed,
 ‘ utter a falsehood; let him not, though injured,
 ‘ insult a priest; having made a donation, let him
 ‘ never proclaim it:

237. ‘ By falsehood, the sacrifice becomes
 ‘ vain; by pride, the merit of devotion is lost;
 ‘ by insulting priests, life is diminished; and by
 ‘ proclaiming a largess, its fruit is destroyed.

238. ‘ GIVING no pain to any creature, let
 ‘ him collect virtue by degrees, for the sake
 ‘ of acquiring a companion to the next world, as
 ‘ the white ant by degrees builds his nest;

239. ‘ For, in his passage to the next world,
 ‘ neither his father, nor his mother, nor his wife,
 ‘ nor his son, nor his kinsmen, will remain in his
 ‘ company: his virtue alone will adhere to him.

240. ‘ Single is each man born; single he
 ‘ dies; single he receives the reward of his
 ‘ good, and single the punishment of his evil,
 ‘ deeds:

241. ‘ When he leaves his corse, like a log or
 ‘ a lump of clay, on the ground, his kindred re-
 ‘ tire with averted faces; but his virtue accom-
 ‘ panies his soul.

242. ‘ Continually, therefore, by degrees let
 ‘ him collect virtue, for the sake of securing an

‘ inseparable companion ; since with virtue for
‘ his guide, he will traverse a gloom, how hard
‘ to be traversed !

243. ‘ A man, habitually virtuous, whose of-
‘ fences have been expiated by devotion, is in-
‘ stantly conveyed after death to the higher
‘ world, with a radiant form and a body of ethe-
‘ real substance.

244. ‘ HE, who seeks to preserve an exalted
‘ rank, must constantly form connexions with
‘ the highest and best families, but avoid the
‘ worst and the meanest ;

245. ‘ Since a priest, who connects himself
‘ with the best and highest of men, avoiding the
‘ lowest and worst, attains eminence ; but sinks,
‘ by an opposite conduct, to the class of the ser-
‘ vile.

246. ‘ He, who perseveres in good actions,
‘ in subduing his passions, in bestowing largesses,
‘ in gentleness of manners, who bears hardships
‘ patiently, who associates not with the malign-
‘ ant, who gives pain to no sentient being, ob-
‘ tains final beatitude.

247. ‘ WOOD, water, roots, fruit, and food
‘ placed before him without his request, he may
‘ accept from all men ; honey also, and protec-
‘ tion from danger.

248. ‘ Gold, or other alms, voluntarily
‘ brought and presented, but unasked and un-

‘ promised, BRAHMA’ considered as receivable
 ‘ even from a sinner :

249. ‘ Of him, who shall disdain to accept
 ‘ such alms, neither will the manes eat the fune-
 ‘ ral oblations for fifteen years, nor will the fire
 ‘ convey the burnt sacrifice to the gods.

250. ‘ A bed, houses, blades of *cus’a*, per-
 ‘ fumes, water, flowers, jewels, buttermilk,
 ‘ ground rice, fish, new milk, flesh-meat, and
 ‘ green vegetables, let him not proudly reject.

251. ‘ When he wishes to relieve his natural
 ‘ parents or spiritual father, his wife or others,
 ‘ whom he is bound to maintain, or when he is
 ‘ preparing to honour deities or guests, he may
 ‘ receive gifts from any person, but must not
 ‘ gratify himself with such presents :

252. ‘ If his parents, however, be dead, or if
 ‘ he live without them in his own house, let
 ‘ him, when he seeks nourishment for himself,
 ‘ receive presents invariably from good men
 ‘ alone.

253. ‘ A labourer in tillage, a family friend,
 ‘ a herdsman, a slave, a barber, a poor stranger
 ‘ offering his humble duty, are men of the ser-
 ‘ vile class, who may eat the food of their supe-
 ‘ riors :

254. ‘ As the nature of the poor stranger is,
 ‘ as the work is, which he desires to perform,
 ‘ and as he may show most respect *to the master*

‘ of the house, even thus let him offer his service;
 ‘ vice;

235. ‘ For he, who describes himself to
 ‘ worthy men in a manner contrary to truth,
 ‘ is the most sinful wretch in this world: he
 ‘ is the worst of thieves, a stealer of minds.

256. ‘ All things have their sense ascertained by speech; in speech they have their basis; and from speech they proceed: consequently, a falsifier of speech falsifies every thing.

257. ‘ WHEN he has paid, as the law directs, his debts to the sages, to the manes, and to the gods, by reading the scripture, begetting a son, and performing regular sacrifices, he may resign all to his son of mature age, and reside in his family house, with no employment, but that of an umpire.

258. ‘ Alone, in some solitary place, let him constantly meditate on the divine nature of the soul, for by such meditation he will attain happiness.

259. ‘ THUS has been declared the mode, by which a *Bráhmén*, who keeps house, must continually subsist, together with the rule of devotion ordained for a pupil returned from his preceptor; a laudable rule, which increases the best of the three qualities.

260. ' A priest, who lives always by these
' rules, who knows the ordinances of the *Vēda*,
' who is freed from the bondage of sin, shall be
' absorbed in the divine essence.

CHAPTER ~~THE~~ FIFTH.

On Diet, Purification, and Women.

1. ‘THE sages, having heard those laws
‘ delivered for the conduct of housekeepers, thus
‘ addressed the highminded BHRĪGU, who pro-
‘ ceeded *in a former birth* from the genius of
‘ fire.

2. ‘ How, Lord, can death prevail over *Bráb-*
‘ *mens*, who know the scriptural ordinances,
‘ and perform their duties, as they have been de-
‘ clared?’

3. ‘ Then he, whose disposition was perfect
‘ virtue, even BHRĪGU, the son of MENU, thus
‘ answered the great *Rīshis*: ‘ Hear, from what
‘ sin proceeds the inclination of death, to destroy
‘ the chief of the twice-born :

4. ‘ Through a neglect of reading the *Vēda*,
‘ through a desertion of approved usages, through
‘ supine remissness *in performing holy rites*, and
‘ through various offences in diet, *the genius of*
‘ death becomes eager to destroy them.

5. ‘ Garlick, onions, leeks, and mushrooms

‘ (which no twice-born man must eat), and all
 ‘ vegetables raised in dung,

6. ‘ Red gums or resins, exuding from trees,
 ‘ and juices from wounded stems, the fruit *sēlu*,
 ‘ and the thickened milk of a cow within ten
 ‘ days after her calving, a priest must avoid with
 ‘ great care.

7. ‘ Ricepudding boiled with *tila*, frumenty,
 ‘ ricemilk, and baked bread, which have not
 ‘ been first offered to some deity, fleshmeat also,
 ‘ the food of gods, and clarified butter, which
 ‘ have not first been touched, while holy texts
 ‘ were recited,

8. ‘ Fresh milk from a cow, whose ten days
 ‘ are not passed, the milk of a camel, or any qua-
 ‘ druped with a hoof not cloven, that of an ewe,
 ‘ and that of a cow in heat, or whose calf is dead
 ‘ or absent from her,

9. ‘ That of any forest beast, except the buf-
 ‘ falo, the milk of a woman, and any thing na-
 ‘ turally sweet but acidulated, must all be care-
 ‘ fully shunned :

10. ‘ But among such acids, buttermilk may
 ‘ be swallowed, and every preparation of butter-
 ‘ milk, and all acids extracted from pure flowers,
 ‘ roots, or fruit *not cut with iron*.

11. ‘ Let every twice-born man avoid carni-
 ‘ vorous birds, and such as live in towns, and
 ‘ quadrupeds with uncloven hoofs, except those

‘ allowed by the *Vēda*, and the bird called *tītibba*;

12. ‘ The sparrow, the water bird *plava*, the phenicopteros, the *chacravāca*, the breed of the towncock, the *śārasa*, the *rajjuvāla*, the woodpecker, and the parrot, male and female;

13. ‘ Birds, that strike with their beaks; web-footed birds, the *cōyāśti*, those, who wound with strong talons, and those, who dive to devour fish: let him avoid meat kept at a slaughter house, and dried meat,

14. ‘ The heron, the raven, the *c’hanjana*, all amphibious fisheaters, tame hogs, and fish of every sort, *but those expressly permitted*.

15. ‘ He, who eats the flesh of any animal, is called the eater of that animal itself; and a fish-eater is an eater of all flesh; from fish, therefore, he must diligently abstain:

16. ‘ Yet the two fish, called *pāt’bīna* and *rōbīta*, may be eaten *by the guests*, when offered at a repast in honour of the gods or the manes; and so may the *rājīva*, the *śinbatunda*, and the *śas’alca* of every species.

17. ‘ Let him not eat the flesh of any solitary animals, nor of unknown beasts or birds, though by general words declared eatable, nor of any creature with five claws;

18. ‘ The hedgehog and porcupine, the lizard *gōdbā*, the *gandaca*, the tortoise, and the rabbit

‘ or *bare*, wise legislators declare lawful food
 ‘ among fivetoed animals; and all quadrupeds,
 ‘ camels excepted, ~~which~~ have but one row of
 ‘ teeth,

19. ‘ The twiceborn man, who has inten-
 ‘ tionally eaten a mushroom, the flesh of a tame
 ‘ hog, or a town cock, a leek, or an onion, or
 ‘ garlick, is degraded immediately;

20. ‘ But having undesignedly tasted either of
 ‘ those six things, he must perform the penance
 ‘ *śāntapana*, or the *chāndrāyana*, which anchorets
 ‘ practise: for other things he must fast a whole
 ‘ day.

21. ‘ One of those harsh penances, called *prá-*
 ‘ *jāpatya*, the twice-born man must perform an-
 ‘ nually, to purify him from the unknown taint
 ‘ of illicit food; but he must do particular penance
 ‘ for such food intentionally eaten.

22. ‘ BEASTS and birds of excellent sorts may
 ‘ be slain by *Bráhmens* for sacrifice, or for the
 ‘ sustenance of those, whom they are bound to
 ‘ support; since AGASTYA did this of old.

23. ‘ No doubt, in the primeval sacrifices by
 ‘ holy men, and in oblations by those of the
 ‘ priestly and military tribes, the flesh of such
 ‘ beasts and birds, as may be legally eaten, was
 ‘ presented to the deities.

24. ‘ That, which may be eaten or drunk,
 ‘ *when fresh*, without blame, may be swallowed,

‘ if touched with oil, though it has been kept a
 ‘ whole night; and so may the remains of cla-
 ‘ rified butter :

25. ‘ And every mess prepared with barley or
 ‘ wheat, or with dressed milk, may be eaten by
 ‘ the twiceborn, although not sprinkled with
 ‘ oil.

26. ‘ Thus has the food, allowed or forbidden
 ‘ to a twiceborn man, been comprehensively
 ‘ mentioned : I will now propound the *special*
 ‘ rules for eating and for avoiding flesh meat.

27. ‘ He should taste meat, which has been
 ‘ hallowed for a sacrifice with appropriated texts,
 ‘ and, *once only*, when a priest shall desire him,
 ‘ and when he is performing a legal act, or in
 ‘ danger of losing life.

28. ‘ For the sustenance of the vital spirit,
 ‘ BRAHMA created all this *animal and vegetable*
 ‘ *system*; and all, that is moveable or immoveable,
 ‘ that spirit devours.

29. ‘ Things fixed are eaten by creatures with
 ‘ locomotion; toothless animals, by animals with
 ‘ teeth; those without hands, by those to whom
 ‘ hands were given; and the timid, by the bold.

30. ‘ He, who eats *according to law*, commits
 ‘ no sin, even though every day he taste the flesh
 ‘ of such animals, as may lawfully be tasted ;
 ‘ since both animals, who may be eaten, and

‘ those, who eat them, were equally created by
 ‘ BRAHMA’.

31. ‘ It is delivered as ~~rule~~ of the gods, that
 ‘ meat must be swallowed only for the purpose
 ‘ of sacrifice ; but it is a rule of gigantick de-
 ‘ mons, that it may be swallowed for any other
 ‘ purpose.

32. ‘ No sin is committed by him, who, hav-
 ‘ ing honoured the deities and the manes, eats
 ‘ fleshmeat, which he has bought, or which he
 ‘ has himself acquired, or which has been given
 ‘ him by another :

33. ‘ Let no twiceborn man, who knows the
 ‘ law, and is not in urgent distress, eat flesh
 ‘ without observing this rule ; for he, unable to
 ‘ save himself, will be devoured in the next
 ‘ world by those animals, whose flesh he has thus
 ‘ illegally swallowed.

34. ‘ The sin of him, who kills deer for gain,
 ‘ is not so heinous, with respect to *the punish-*
 ‘ *ment in another life*, as that of him, who eats
 ‘ fleshmeat in vain, *or not previously offered as a*
 ‘ *sacrifice* :

35. ‘ But the man, who, engaged in *holy rites*
 ‘ according to law, refuses to eat it, shall sink in
 ‘ another world, for twenty-one births, to the
 ‘ state of a beast.

36. ‘ Never let a priest eat the flesh of cattle

‘ unhallowed with *mantras*, but let him eat it,
 ‘ observing the primeval rule, when it has been
 ‘ hallowed with the texts of the *Vēda*.

37. ‘ Should he have an earnest desire to taste
 ‘ flesh meat, he may gratify his fancy by forming
 ‘ the image of some beast with clarified butter
 ‘ thickened, or he may form it with dough;
 ‘ but never let him indulge a wish to kill any
 ‘ beast in vain:

38. ‘ As many hairs as grow on the beast, so
 ‘ many similar deaths shall the slayer of it, for
 ‘ his own satisfaction in this world, endure in the
 ‘ next from birth to birth.

39. ‘ By the selfexisting in person were beasts
 ‘ created for sacrifice; and the sacrifice *was ordained*
 ‘ for the increase of this universe: the
 ‘ slaughterer, therefore, of beasts for sacrifice is
 ‘ in truth no slaughterer.

40. ‘ Gramineous plants, cattle, timbertrees,
 ‘ amphibious animals, and birds, which have been
 ‘ destroyed for the purpose of sacrifice, attain in
 ‘ the next world exalted births.

41. ‘ On a solemn offering to a guest, at a
 ‘ sacrifice, and in holy rites to the manes or to
 ‘ the gods, but on those occasions only, may
 ‘ cattle be slain: this law MENU enacted.

42. ‘ The twiceborn man, who, knowing the
 ‘ meaning and principles of the *Vēda*, slays cattle
 ‘ on the occasions mentioned, conveys both himself
 ‘ and those cattle to the summit of beatitude.

43. ‘ Let no twiceborn man, whose mind is
 ‘ improved by learning, hurt animals without the
 ‘ sanction of scripture, even though in pressing
 ‘ distress, whether he live in his own house,
 ‘ or in that of his preceptor, or in a forest.

44. ‘ That hurt, which the scripture ordains,
 ‘ and which is done in this world of moveable
 ‘ and immoveable creatures, he must consider as
 ‘ no hurt at all; since law shone forth from *the*
 ‘ *light* of the scripture.

45. ‘ He, who injures animals, that are not
 ‘ injurious, from a wish to give himself pleasure,
 ‘ adds nothing to his own happiness, living or
 ‘ dead ;

46. ‘ While he, who gives no creature wil-
 ‘ lingly the pain of confinement or death, but
 ‘ seeks the good of all *sentient beings*, enjoys bliss
 ‘ without end.

47. ‘ He, who injures no animated creature,
 ‘ shall attain without hardship whatever he
 ‘ thinks of, whatever he strives for, whatever he
 ‘ fixes his mind on.

48. ‘ Fleshmeat cannot be procured without
 ‘ injury to animals, and the slaughter of animals
 ‘ obstructs the path to beatitude ; from flesh-
 ‘ meat, therefore, let man abstain :

49. ‘ Attentively considering the formation of
 ‘ bodies, and the death or confinement of em-
 ‘ bodied spirits, let him abstain from eating flesh-
 ‘ meat of any kind.

50. ‘ The man, who forsakes not the law,
 ‘ and eats not fleshmeat, like a bloodthirsty de-
 ‘ mon, shall attain good will in this world, and
 ‘ shall not be afflicted with maladies.

51. ‘ He, who consents to the death of an
 ‘ animal; he, who kills it; he, who dissects it;
 ‘ he, who buys it; he, who sells it; he, who
 ‘ dresses it; he, who serves it up; and he, who
 ‘ makes it his food; these are eight principals in
 ‘ the slaughter.

52. ‘ Not a mortal exists more sinful than he,
 ‘ who, without an oblation to the manes or the
 ‘ gods, desires to enlarge his own flesh with the
 ‘ flesh of another creature.

53. ‘ The man, who performs annually, for a
 ‘ hundred years, an *aswamedha*, or sacrifice of a
 ‘ horse, and the man, who abstains from flesh-
 ‘ meat, enjoy for their virtue an equal reward.

54. ‘ By subsisting on pure fruit and on roots,
 ‘ and by eating such grains as are eaten by her-
 ‘ mits, a man reaps not so high reward, as by
 ‘ carefully abstaining from animal food.

55. “ Me he (*mán sa*) will devour in the next
 “ world, whose flesh I eat in this life:” thus should
 ‘ a fleشتهater speak, and thus the learned pro-
 ‘ nounce the true derivation of the word *mán sa*,
 ‘ or flesh.

56. ‘ In lawfully tasting meat, in drinking fer-

‘mented liquor, in careffing women, there is no
 ‘turpitude; for to fuch enjoyments men are na-
 ‘turally prone: but a virtuous abftinence from
 ‘them produces a fignal compenfation.

57. ‘Now will I promulgate the rules of pu-
 ‘rification for the dead, and the modes of puri-
 ‘fying inanimate things, as the law prefcribes
 ‘them for the four claffes in due order.

58. ‘When a child has teethed, and when,
 ‘after teething, his head has been fhorn, and
 ‘when he has been girt with his thread, and
 ‘when, being full grown, he dies, all his kindred
 ‘are impure: on the birth of a child the law is
 ‘the fame.

59. ‘By a dead body, the *fapindas* are ren-
 ‘dered impure in law for ten days, or until
 ‘the fourth day, when the bones have been
 ‘gathered up, or for three days, or for one day
 ‘only, according to the qualities of the de-
 ‘ceased:

60. ‘Now the relation of the *fapindas*, or
 ‘men connected by the funeral cake, ceafes with
 ‘the feventh perfon, or in the fixth degree of af-
 ‘cent or defcent, and that of *famánódacas*, or
 ‘thofe connected by an equal oblation of water,
 ‘ends only, when their births and family names
 ‘are no longer known.

61. ‘As this impurity, by reafon of a dead

‘ kinsman, is ordained for *sapindas*, even thus it
 ‘ is ordained on a childbirth, for those who seek
 ‘ absolute purity.

62. ‘ Uncleanness, on account of the dead, is
 ‘ ordained for all; but on the birth of a child,
 ‘ for the mother and father: impurity, for ten
 ‘ days after the childbirth, affects the mother
 ‘ only; but the father, having bathed, becomes
 ‘ pure.

63. ‘ A man, having wasted his manhood, is
 ‘ purified by bathing; but, after begetting a
 ‘ child on a *parapûrvâ*, he must meditate for three
 ‘ days on his impure state.

64. ‘ In one day and night, added to nights
 ‘ three times three, the *sapindas* are purified after
 ‘ touching the corpse; but the *samánódacas*, in
 ‘ three days.

65. ‘ A pupil in theology, having performed
 ‘ the ceremony of burning his deceased precep-
 ‘ tor, becomes pure in ten nights: he is equal,
 ‘ in that case, to the *sapindas*, who carry out the
 ‘ dead.

66. ‘ In a number of nights, equal to the num-
 ‘ ber of months from conception, a woman is pu-
 ‘ rified on a miscarriage; and a woman in her
 ‘ courses is rendered pure by bathing, when her
 ‘ effusion of blood has quite stopped.

67. ‘ For deceased male children, whose
 heads have not been shorn, purity is legally

‘ obtained in one night ; but for those, on whom
 ‘ that ceremony has been performed, a purifica-
 ‘ tion of three nights is required.

68. ‘ A dead child under the age of two
 ‘ years, let his kinsmen carry out having decked
 ‘ him *with flowers*, and bury him in pure ground,
 ‘ without collecting his bones *at a future time* :

69. ‘ Let no ceremony with fire be performed
 ‘ for him, nor that of sprinkling water; but his
 ‘ kindred, having left him like a piece of wood
 ‘ in the forest, shall be unclean for three days.

70. ‘ For a child under the age of three years,
 ‘ the ceremony with water shall not be perform-
 ‘ ed by his kindred; but, if his teeth be com-
 ‘ pletely grown, or a name have been given him,
 ‘ they may perform it, or not, *at their option*.

71. ‘ A fellow student in theology being dead,
 ‘ three days of impurity are ordained; and, on
 ‘ the birth of a *sumánódaca*, purification is re-
 ‘ quired for three nights.

72. ‘ The relations of *betrothed but* unmarried
 ‘ damsels, are in three days made pure; and, in
 ‘ as many, are their paternal kinsmen purified
 ‘ *after their marriage* :

73. ‘ Let them eat vegetable food without
 ‘ factitious, *that is, only with native*, salt; let
 ‘ them bathe for three days at intervals; let
 ‘ them taste no fleshmeat; and let them sleep
 ‘ apart on the ground.

74. ‘ This rule, which ordains impurity by
 ‘ reason of the dead, relates to the case of one
 ‘ dying near his kinsmen; but, in the case of one
 ‘ dying at a distance, the following rule must be
 ‘ observed by those, who share the same cake, and
 ‘ by those, who share only the same water:

75. ‘ The man, who hears that a kinsman is
 ‘ dead in a distant country, becomes unclean, if
 ‘ ten days after the death have not passed, for
 ‘ the remainder of those ten days only;

76. ‘ But, if the ten days have elapsed, he is
 ‘ impure for three nights, and, if a year have
 ‘ expired, he is purified merely by touching
 ‘ water.

77. ‘ If, after the lapse of ten days, he know
 ‘ the death of a kinsman, or the birth of a male
 ‘ child, he must purify himself by bathing to-
 ‘ gether with his clothes.

78. ‘ Should a child, whose teeth are not
 ‘ grown, or should a *Samánódaca*, die in a distant
 ‘ region, the kinsman, having bathed with his
 ‘ apparel, becomes immediately pure.

79. ‘ If, during the ten days, another death
 ‘ or another birth intervene, a *Bráhmén* remains
 ‘ impure, only till those ten days have elapsed.

80. ‘ A spiritual teacher being dead, the sages
 ‘ declare his pupil impure for three days; but
 ‘ for a day and a night, if the son or wife of

‘ the teacher be deceased: such is the sacred ordinance.

81. ‘ For a reader of the whole *Vêda*, who dwells in the same house, a man is unclean three nights; but for a maternal uncle, a pupil, an officiating priest, and a distant kinsman, only one night winged *with two days*.

82. ‘ On the death of a military king, in whose dominion he lives, *his impurity lasts* while the sun or the stars give light; but it *lasts* a whole day, on the death of a priest, who has not read the whole *Vêda*, or of a spiritual guide, who has read only part of it, with its *Angas*.

83. ‘ A man of the sacerdotal class becomes pure in ten days; of the warlike, in twelve; of the commercial, in five; of the servile, in a month.

84. ‘ Let no man prolong the days of impurity; let him not intermit the ceremonies to be performed with holy fires; while he performs those rites, even though he be a *śapinda*, he is not impure.

85. ‘ He, who has touched a *Chandāla*, a woman in her courses, an outcast for deadly sin, a newborn child, a corpse, or one who has touched a corpse, is made pure by bathing.

86. ‘ If, having sprinkled his mouth with

‘ water, and been long intent on his devotion, he
 ‘ see an unclean person, let him repeat, as well
 ‘ as he is able, the solar texts of the *Vêda*, and
 ‘ those, which confer purity.

87. ‘ Should a *Brâhmen* touch a human bone
 ‘ moist with oil, he is purified by bathing; if it
 ‘ be not oily, by stroking a cow, or by looking
 ‘ at the sun, having sprinkled his mouth duly
 ‘ with water.

88. ‘ A student in theology shall not perform
 ‘ the ceremony of pouring water at obsequies,
 ‘ until he have completed his course of religious
 ‘ acts; but if, after the completion of them, he
 ‘ thus make an offering of water, he becomes
 ‘ pure in three nights.

89. ‘ For those, who discharge not their pre-
 ‘ scribed duties, for those, whose fathers were of
 ‘ a lower class than their mothers, for those, who
 ‘ wear a dress of religion unauthorized by the
 ‘ *Vêda*, and for those, who *illegally* kill them-
 ‘ selves, the ceremony of giving funeral water is
 ‘ forbidden by law;

90. ‘ And for women imitating such here-
 ‘ ticks, as wear an unlawful dress, and for such
 ‘ women as live at their own pleasure, or have
 ‘ caused an abortion, or have stricken their hus-
 ‘ bands, or have drunk any spirituous liquor.

91. ‘ A student violates not the rules of his
 ‘ order, by carrying out, when dead, his own

‘ instructor in the *Védas*, who invested him with
 ‘ his holy cord, or his teacher of particular
 ‘ chapters, or his reverend expounder of their
 ‘ meaning, or his father, or his mother.

92. ‘ Let men carry out a dead *Súdra* by the
 ‘ southern gate of the town; but the twiceborn,
 ‘ in due order, by the western, northern, and
 ‘ eastern gates.

93. ‘ No taint of impurity can light on kings
 ‘ or students in theology, *while employed in dis-*
 ‘ *charging their several duties*, nor on those who
 ‘ have actually begun a sacrifice; for the first are
 ‘ then placed on the seat of INDRA, and the others
 ‘ are always equally pure with the celestial spirit.

94. ‘ To a king, on the throne of magnani-
 ‘ mity, the law ascribes instant purification, be-
 ‘ cause his throne was raised for the protection
 ‘ of his people and the supply of their nourish-
 ‘ ment:

95. ‘ It is the same with *the kinsmen* of those,
 ‘ who die in battle, after the king has been slain,
 ‘ or have been killed by lightning, or legally by
 ‘ the king himself, or in defence of a cow, or of a
 ‘ priest; and with all those, whom the king
 ‘ wishes to be pure.

96. ‘ The corporeal frame of a king is com-
 ‘ posed of particles from SÓMA, AGNI, SÚRYA,
 ‘ PAVANA, INDRA, CUVE’RA, VARUNA, and
 ‘ YAMA, the eight guardian deities of the world:

97. ‘ By those guardians of men in substance
‘ is the king pervaded, and he cannot by law be
‘ impure; since by those tutelar gods are the
‘ purity and impurity of mortals both caused
‘ and removed.

98. ‘ By a soldier, discharging the duties of
‘ his class, and slain in the field with brandished
‘ weapons, the highest sacrifice is, in that in-
‘ stant, complete; and so is his purification: this
‘ law is fixed.

99. ‘ A priest, having performed funeral rites,
‘ is purified by touching water; a soldier, by
‘ touching his horse or elephant, or his arms; a
‘ husbandman, by touching his goad, or the
‘ halter of his cattle; a servant, by touching his
‘ staff.

100. ‘ This mode of purifying *śapindas*, O
‘ chief of the twiceborn, has been fully declared
‘ to you! learn now the purification required
‘ on the death of kinsmen less intimately con-
‘ nected.

101. ‘ A *Brāhmen*, having carried out a dead
‘ *Brāhmen*, though not a *śapinda*, with the affec-
‘ tion of a kinsman, or any of those nearly re-
‘ lated to him by his mother, becomes pure in
‘ three days;

102. ‘ But, if he taste the food offered by
‘ their *śapindas*, he is purified in ten days; and

‘ in one day, if he neither partake of their food,
 ‘ nor dwell in the same house.

103. ‘ If he voluntarily follow a corpse, whe-
 ‘ ther of a paternal kinsman or of another, and
 ‘ afterwards bathe with his apparel, he is made
 ‘ pure by touching fire and tasting clarified
 ‘ butter.

104. ‘ Let no kinsman, whilst any of his own
 ‘ class are at hand, cause a deceased *Bráhmén* to
 ‘ be carried out by a *Súdra*; since the funeral
 ‘ rite, polluted by the touch of a servile man, ob-
 ‘ structs his passage to heaven.

105. ‘ Sacred learning, austere devotion, fire,
 ‘ holy aliment, earth, the mind, water, smearing
 ‘ with cowdung, air, prescribed acts of religion
 ‘ the sun, and time, are purifiers of imbodyed
 ‘ spirits;

106. ‘ But of all pure things, purity in ac-
 ‘ quiring wealth, is pronounced the most ex-
 ‘ cellent: since he, who gains wealth with clean
 ‘ hands, is truly pure; not he, who is purified
 ‘ merely with earth and water.

107. ‘ By forgiveness of injuries, the learned
 ‘ are purified; by liberality, those who have ne-
 ‘ glected their duty; by pious meditation, those
 ‘ who have secret faults; by devout austerity,
 ‘ those who best know the *Véda*.

108. ‘ By water and earth is purified what

‘ ought to be made pure ; a river, by its current ;
 ‘ a woman, whose thoughts have been impure,
 ‘ by her monthly discharge ; and the chief of
 ‘ twiceborn men, by fixing his mind wholly on
 ‘ God.

109. ‘ Bodies are cleansed by water ; the mind
 ‘ is purified by truth ; the vital spirit, by theology
 ‘ and devotion ; the understanding, by clear
 ‘ knowledge.

110. ‘ Thus have you heard me declare the
 ‘ precise rules for purifying animal bodies :
 ‘ hear now the modes of restoring purity to va-
 ‘ rious inanimate things.

111. ‘ Of brilliant metals, of gems, and of
 ‘ every thing made with stone, the purification,
 ‘ ordained by the wise, is with ashes, water, and
 ‘ earth.

112. ‘ A golden vessel, not smeared, is cleansed
 ‘ with water only ; and every thing produced in
 ‘ water, *as coral, shells, or pearls*, and every stony
 ‘ substance, and a silver vessel not enchased.

113. ‘ From a junction of water and fire arose
 ‘ gold and silver ; and they two, therefore, are
 ‘ best purified by the elements, whence they
 ‘ sprang.

114. ‘ Vessels of copper, iron, brass, pewter,
 ‘ tin, and lead, may be fitly cleansed with ashes,
 ‘ with acids, or with water.

115. ‘ The purification ordained for all sorts

‘ of liquids, is by stirring them with *cusa-grais*;
 ‘ for cloths folded, by sprinkling them with hal-
 ‘ lowed water; for wooden utensils, by planing
 ‘ them;

116. ‘ For the sacrificial pots to hold clarified
 ‘ butter and juice of the moonplant, by rubbing
 ‘ them with the hand, and washing them, at the
 ‘ time of the sacrifice:

117. ‘ Implements to wash the rice, to con-
 ‘ tain the oblations, to cast them into the fire, to
 ‘ collect, winnow, and prepare the grain, must be
 ‘ purified with water made hot.

118. ‘ The purification by sprinkling is or-
 ‘ dained for grain and cloths in large quantities;
 ‘ but, to purify them in small parcels, *which a*
 ‘ *man may easily carry*, they must be washed.

119. ‘ Leathern utensils, and such as are made
 ‘ with cane, must generally be purified in the
 ‘ same manner with cloths; green vegetables,
 ‘ roots, and fruit, in the same manner with
 grain;

120. ‘ Silk and woollen stuff, with saline
 ‘ earths; blankets from *Népála*, with pounded
 ‘ *arishtas*, or *nimba* fruit; vests and long drawers,
 ‘ with the fruit of the *Bilva*; mantles of *cshumá*,
 ‘ with white mustardseeds.

121. ‘ Utensils made of shells or of horn, of
 ‘ bones or of ivory, must be cleansed by him,
 ‘ who knows the law, as mantles of *cshumá* are

‘ purified, with the addition of cow’s urine or of
‘ water.

122. ‘ Grass, firewood, and straw, are purified
‘ by sprinkling them with water; a house, by
‘ rubbing, brushing, and smearing with cow-
‘ dung; an earthen pot, by a second burning:

123. ‘ But an earthen pot, which has been
‘ touched with any spirituous liquor, with urine,
‘ with ordure, with spittle, with pus, or with
‘ blood, cannot, even by another burning, be
‘ rendered pure.

124. ‘ Land is cleansed by five modes; by
‘ sweeping, by smearing with cowdung, by
‘ sprinkling with cows’ urine, by scraping, or by
‘ letting a cow pass a day and a night on it.

125. ‘ A thing nibbled by a bird, smelt at by
‘ a cow, shaken with a foot, sneezed on, or de-
‘ filed by lice, is purified by earth scattered over
‘ it.

126. ‘ As long as the scent or moisture, caused
‘ by any impurity, remain on the thing soiled,
‘ so long must earth and water be repeatedly used
‘ in all purifications of things inanimate.

127. ‘ The Gods declared three pure things
‘ peculiar to *Bráhmens*; what has been defiled
‘ without their knowledge, what, in cases of
‘ doubt, they sprinkle with water; and what they
‘ commend with their speech.

128. ‘ Waters are pure, as far as a cow

‘ goes to quench her thirst in them, if they flow
 ‘ over clean earth, and are fullied by no im-
 ‘ purity, but have a good scent, colour, and
 ‘ taste.

129. ‘ The hand of an artist *employed in his*
 ‘ *art* is always pure; so is every vendible com-
 ‘ modity, when exposed to sale; and that food is
 ‘ always clean, which a student in theology has
 ‘ begged and received: such is the sacred rule.

130. ‘ The mouth of a woman is constantly
 ‘ pure; a bird is pure on the fall of fruit, which
 ‘ he has pecked; a sucking animal, on the flow-
 ‘ ing of the milk; a dog, on his catching the
 ‘ deer:

131. ‘ The flesh of a wild beast slain by dogs,
 ‘ MENU pronounces pure; and that of an ani-
 ‘ mal slain by other carnivorous creatures, or by
 ‘ men of the mixed class, who subsist by hunt-
 ‘ ing.

132. ‘ All the cavities above the navel are pure,
 ‘ and all below it, unclean; so are all excretions,
 ‘ that fall from the body.

133. ‘ Gnats, clear drops from the mouth of
 ‘ a speaker, a shadow, a cow, a horse, sunbeams,
 ‘ dust, earth, air, and fire, must all be considered
 ‘ as clean, even when they touch an unclean
 ‘ thing.

134. ‘ For the cleansing of vessels, which have
 ‘ held ordure or urine, earth and water must be

‘ used, as long as they are needful; and the
 ‘ same for cleansing the twelve corporeal impu-
 ‘ rities:

135. ‘ Oily exudations, feminal fluids, blood,
 ‘ dandruff, urine, feces, earwax, nailparings,
 ‘ phlegm, tears, concretions on the eyes, and
 ‘ sweat, are the twelve impurities of the human
 ‘ frame.

136. ‘ By the man, who desires purity, one
 ‘ piece of earth *together with water* must be used
 ‘ for the conduit of urine, three, for that of the
 ‘ feces; so, ten for one hand, *that is, the left*;
 ‘ then seven for both: *but, if necessary, more must*
 ‘ *be used.*

137. ‘ Such is the purification of married men;
 ‘ that of students must be double; that of her-
 ‘ mits, triple; that of men wholly recluse, qua-
 ‘ druple.

138. ‘ Let each man sprinkle the cavities of
 ‘ his body, and taste water in due form, when
 ‘ he has discharged urine or feces; when he is
 ‘ going to read the *Véda*; and, invariably, before
 ‘ he takes his food;

139. ‘ First, let him thrice taste water; then
 ‘ twice let him wipe his mouth, if he *be of a*
 ‘ *twiceborn class*, and desire corporeal purity; but
 ‘ a woman or servile man may once respectively
 ‘ make that ablution.

140. ‘ *Súdras*, engaged in religious duties,
 ‘ must perform each month the ceremony of
 ‘ shaving their heads; their food must be the
 ‘ sorts of *Bráhmens*; and their mode of purification,
 ‘ the same with that of a *Vaisya*.

141. ‘ Such drops of water, as fall from the
 ‘ mouth on any part of the body, render it not
 ‘ unclean; nor hairs of the beard, that enter the
 ‘ mouth; nor what adheres awhile to the teeth.

142. ‘ Drops, which trickle on the feet of a
 ‘ man holding water for others, are held equal to
 ‘ waters flowing over pure earth: by them he is
 ‘ not defiled.

143. ‘ He, who carries in any manner an
 ‘ inanimate burden, and is touched by any thing
 ‘ impure, is cleansed by making an ablution,
 ‘ without laying his burden down.

144. ‘ Having vomited or been purged, let
 ‘ him bathe and taste clarified butter, but, if he
 ‘ have eaten already, let him only perform an
 ‘ ablution: for him, who has been connected
 ‘ with a woman, bathing is ordained by law.

145. ‘ Having flumbered, having sneezed,
 ‘ having eaten, having spitten, having told un-
 ‘ truths, having drunk water, and going to read
 ‘ sacred books, let him, though pure, wash his
 ‘ mouth.

146. ‘ This perfect system of rules for puri-

‘ fying men of all claffes, and for cleaning inani-
‘ mate things, has been declared to you: hear
‘ now the laws concerning women.

147. ‘ By a girl, or by a young woman, or
‘ by a woman advanced in years, nothing muft
‘ be done, even in her own dwelling place, ac-
‘ cording to her mere pleasure:

148. ‘ In childhood muft a female be de-
‘ pendent on her father; in youth, on her huf-
‘ band; her lord being dead, on her fons; *if ſhe*
‘ *have no fons, on the near kinsmen of her buf-*
‘ *band; if he left no kinsmen, on thofe of her*
‘ *father; if ſhe have no paternal kinsmen, on the*
‘ *fovereign*: a woman muft never feek inde-
‘ pendance.

149. ‘ Never let her wifh to feparate herſelf
‘ from her father, her husband, or her fons; for,
‘ by a feparation from them, ſhe expoſes both
‘ families to contempt.

150. ‘ She muft always live with a cheerful
‘ temper, with good management in the affairs
‘ of the houſe, with great care of the houſehold
‘ furniture, and with a frugal hand in all her ex-
‘ pences.

151. ‘ Him, to whom her father has given
‘ her, or her brother with the paternal aſſent, let
‘ her obſequiouſly honour, while he lives; and,
‘ when he dies, let her never neglect him.

152. ‘ The recitation of holy texts, and the
 ‘ sacrifice ordained by the lord of creatures,
 ‘ are used in marriages for the sake of pro-
 ‘ curing good fortune to brides; but the first
 ‘ gift, *or troth plighted*, by the husband is
 ‘ the primary cause *and origin* of marital do-
 ‘ minion.

153. ‘ When the husband has performed the
 ‘ nuptial rites with texts of the *Vêda*, he gives
 ‘ bliss continually to his wife here below, both
 ‘ in season and out of season; and he will give
 ‘ her happiness in the next world.

154. ‘ Though inobservant of approved
 ‘ usages, or enamoured of another woman, or
 ‘ devoid of good qualities, yet a husband must
 ‘ constantly be revered as a god by a virtuous
 ‘ wife.

155. ‘ No sacrifice is allowed to women apart
 ‘ from their husbands, no religious rite, no fast-
 ‘ ing: as far only as a wife honours her lord, so
 ‘ far she is exalted in heaven.

156. ‘ A faithful wife, who wishes to attain
 ‘ in heaven the mansion of her husband, must
 ‘ do nothing unkind to him, be he living or
 ‘ dead:

157. ‘ Let her emaciate her body, by liv-
 ‘ ing voluntarily on pure flowers, roots, and
 ‘ fruit; but let her not, when her lord is de-

‘ ceased, even pronounce the name of another
‘ man.

158. ‘ Let her continue till death forgiving
‘ all injuries, performing harsh duties, avoiding
‘ every sensual pleasure, and cheerfully practising
‘ the incomparable rules of virtue, which have
‘ been followed by such women, as were devoted
‘ to one only husband.

159. ‘ Many thousands of *Bráhmens*, having
‘ avoided sensuality from their early youth, and
‘ having left no issue in their families, have as-
‘ cended, *nevertheless*, to heaven ;

160. ‘ And, like those abstemious men, a vir-
‘ tuous wife ascends to heaven, though she have
‘ no child, if, after the decease of her lord, she
‘ devote herself to pious austerity :

161. ‘ But a widow, who, from a wish to
‘ bear children, slights her deceased husband by
‘ *marrying again*, brings disgrace on herself here
‘ below, and shall be excluded from the seat of
‘ her lord.

162. ‘ Issue, begotten on a woman by any
‘ other *than her husband*, is here declared to be
‘ no progeny of hers; no more than a child, be-
‘ gotten on the wife of another man, *belongs to*
‘ *the begetter* : nor is a second husband allowed,
‘ in any part of this code, to a virtuous woman.

163. ‘ She, who neglects her former (*purva*)

‘ lord, though of a lower class, and takes another
 ‘ (*para*) of a higher, becomes despicable in this
 ‘ world, and is called *parapúrva*, or *one who had*
 ‘ *a different husband before*.

164. ‘ A married woman, who violates the
 ‘ duty, which she owes to her lord, brings in-
 ‘ famy on herself in this life, and, *in the next*,
 ‘ shall enter the womb of a shakal; or be af-
 ‘ flicted with *elephantiasis*, and other diseases
 ‘ which punish crimes;

165. ‘ While she, who flights not her lord,
 ‘ but keeps her mind, speech, and body, devoted
 ‘ to him, attains his heavenly mansion, and by
 ‘ good men is called *śádhvī*, or *virtuous*.

166. ‘ Yes; by this course of life it is, that a
 ‘ woman, whose mind, speech, and body are
 ‘ kept in subjection, acquires high renown in
 ‘ this world, and, in the next, the same abode
 ‘ with her husband.

167. ‘ A twiceborn man, versed in sacred or-
 ‘ dinances, must burn, with hallowed fire and fit
 ‘ implements of sacrifice, his wife dying before
 ‘ him, if she was of his own class, and lived by
 ‘ these rules:

168. ‘ Having thus kindled sacred fires, and
 ‘ performed funeral rites to his wife, who died
 ‘ before him, he may again marry, and again
 ‘ light the nuptial fire.

169. ‘ Let him not cease to perform day by
‘ day according to the preceding rules, the five
‘ great sacraments ; and, having taken a lawful
‘ confort, let him dwell in his house during the
‘ second period of his life.

CHAPTER THE SIXTH.

On Devotion ; or on the Third and Fourth Orders.

1. ‘ HAVING thus remained in the order
‘ of a housekeeper, as the law ordains, let the
‘ twiceborn man, who had before completed his
‘ studentship, dwell in a forest, his faith being
‘ firm and his organs wholly subdued.

2. ‘ When the father of a family perceives
‘ his muscles become flaccid and his hair gray,
‘ and sees the child of his child, let him then
‘ seek refuge in a forest:

3. ‘ Abandoning all food eaten in towns, and
‘ all his household utensils, let him repair to the
‘ lonely wood, committing the care of his wife
‘ to her sons, or accompanied by her, *if she chuse*
‘ *to attend him.*

4. ‘ Let him take up his consecrated fire, and
‘ all his domestick implements of making obla-
‘ tions to it, and, departing from the town to
‘ the forest, let him dwell in it with complete
‘ power over his organs *of sense and of action.*

5. ‘ With many sorts of pure food, such as
‘ holy sages used to eat, with green herbs, roots,
‘ and fruit, let him perform the five great sacra-
‘ ments before mentioned, introducing them with
‘ due ceremonies.

6. ‘ Let him wear a black antelope’s hide, or
‘ a vesture of bark; let him bathe evening and
‘ morning; let him suffer the hairs of his head,
‘ his beard, and his nails to grow continually.

7. ‘ From such food, as himself may eat, let
‘ him, to the utmost of his power, make offer-
‘ ings and give alms; and with presents of
‘ water, roots, and fruit, let him honour those,
‘ who visit his hermitage.

8. ‘ Let him be constantly engaged in reading
‘ the *Vêda*; patient of all extremities, univer-
‘ sally benevolent, with a mind intent on the
‘ Supreme Being; a perpetual giver, but no re-
‘ ceiver of gifts; with tender affection for all
‘ animated bodies.

9. ‘ Let him, as the law directs, make obla-
‘ tions on the hearth with three sacred fires; not
‘ omitting in due time the ceremonies to be
‘ performed at the conjunction and opposition of
‘ the moon.

10. ‘ Let him also perform the sacrifice or-
‘ dained in honour of the lunar constellations,
‘ make the prescribed offering of new grain, and

‘ solemnize holy rites every four months, and at
 ‘ the winter and summer solstices.

11. ‘ With pure grains, the food of ancient
 ‘ sages, growing in the vernal and autumnal sea-
 ‘ sons, and brought home by himself, let him fe-
 ‘ verally make, as the law ordains, the oblations
 ‘ of cakes and boiled grain;

12. ‘ And, having presented to the gods that
 ‘ purest oblation, which the wild woods pro-
 ‘ duced, let him eat what remains, together
 ‘ with some native salt, which himself collected.

13. ‘ Let him eat green herbs, flowers,
 ‘ roots, and fruit, that grow on earth or in
 ‘ water, and the productions of pure trees, and
 ‘ oils formed in fruits.

14. ‘ Honey and fleshmeat he must avoid, and
 ‘ all sorts of mushrooms, the plant *bhūstrīna*,
 ‘ that named *sigbruca*, and the fruit of the *ślēṣh-*
 ‘ *mātaca*.

15. ‘ In the month *Aświna* let him cast
 ‘ away the food of sages, which he before had
 ‘ laid up, and his vesture, then become old, and
 ‘ his herbs, roots, and fruit.

16. ‘ Let him not eat the produce of ploughed
 ‘ land, though abandoned by any man, *who owns*
 ‘ *it*, nor fruit and roots produced in a town,
 ‘ even though hunger oppresses him.

17. ‘ He may eat what is mellowed by fire,

‘ and he may eat what is ripened by time : and
 ‘ either let him break hard fruits with a stone, or
 ‘ let his teeth serve as a pestle.

18. ‘ Either let him pluck enough for a day,
 ‘ or let him gather enough for a month; or let
 ‘ him collect enough for six months, or lay up
 ‘ enough for a year.

19. ‘ Having procured food, as he is able, he
 ‘ may eat it at eve or in the morning; or he
 ‘ may take only every fourth, or every eighth,
 ‘ such regular meal ;

20. ‘ Or, by the rules of the lunar penance, he
 ‘ may eat a mouthful less each day of the bright,
 ‘ and a mouthful more each day of the dark, fort-
 ‘ night; or he may eat only once, at the close of
 ‘ each fortnight, a mess of boiled grains :

21. ‘ Or he may constantly live on flowers
 ‘ and roots, and on fruit matured by time, which
 ‘ has fallen spontaneously, strictly observing the
 ‘ laws ordained for hermits.

22. ‘ Let him slide backwards and forwards on
 ‘ the ground; or let him stand a whole day on tip-
 ‘ toe; or let him continue in motion rising and
 ‘ sitting alternately; but at sunrise, at noon, and
 ‘ at sunset, let him go to the waters and bathe.

23. ‘ In the hot season, let him sit exposed to
 ‘ five fires, *four blazing around him with the sun*
 ‘ *above*; in the rains, let him stand uncovered,
 ‘ *without even a mantle*, where the clouds pour

‘ *the heaviest* showers ; in the cold season, let
 ‘ him wear humid vesture ; and let him increase
 ‘ by degrees the austerity of his devotion :

24. ‘ Performing his ablution at the three
 ‘ *Savanas*, let him give satisfaction to the manes
 ‘ and to the gods ; and, enduring harsher and
 ‘ harsher mortifications, let him dry up his bodily
 ‘ frame.

25. ‘ Then, having reposed his holy fires, as
 ‘ the law directs, in his mind, let him live with-
 ‘ out external fire, without a mansion, wholly
 ‘ silent, feeding on roots and fruit ;

26. ‘ Not solicitous for the means of gratifi-
 ‘ cation, chaste as a student, sleeping on the
 ‘ bare earth, in the haunts of pious hermits,
 ‘ without one selfish affection, dwelling at the
 ‘ roots of trees.

27. ‘ From devout *Bráhmens* let him receive
 ‘ alms to support life, or from other house-
 ‘ keepers of twiceborn classes, who dwell in the
 ‘ forest ;

28. ‘ Or the hermit may bring food from a
 ‘ town, having received it in a basket of leaves,
 ‘ in his naked hand, or in a potsherd ; and then
 ‘ let him swallow eight mouthfuls.

29. ‘ These and other rules must a *Bráhmen*,
 ‘ who retires to the woods, diligently practise ;
 ‘ and, for the purpose of uniting his soul with
 ‘ the divine spirit, let him study the various *upa-*

‘ *nishads* of scripture, or *chapters on the essence and*
 ‘ *attributes of God,*

30. ‘ Which have been studied with reverence
 ‘ by anchorites versed in theology, and by house-
 ‘ keepers, who dwelt afterwards in forests, for
 ‘ the sake of increasing their sublime knowledge
 ‘ and devotion, and for the purification of their
 ‘ bodies.

31. ‘ Or, *if he has any incurable disease,* let
 ‘ him advance in a straight path, towards the in-
 ‘ vincible *north eastern* point, feeding on water
 ‘ and air, till his mortal frame totally decay,
 ‘ and his soul become united with the Su-
 ‘ preme.

32. ‘ A *Bráhmén*, having shuffled off his
 ‘ body by any of those modes, which great
 ‘ sages practised, and becoming void of sor-
 ‘ row and fear, rises to exaltation in the divine
 ‘ essence.

33. ‘ HAVING thus performed religious acts
 ‘ in a forest during the third portion of his life,
 ‘ let him become a *Sannyási* for the fourth por-
 ‘ tion of it, abandoning all sensual affections, *and*
 ‘ *wholly reposing in the Supreme Spirit:*

34. ‘ The man, who has passed from order
 ‘ to order, has made oblations to fire *on his re-*
 ‘ *spective changes of state,* and has kept his mem-
 ‘ bers in subjection, but, tired with *so long a course*

‘ of giving alms and making offerings, thus re-
 ‘ poses himself entirely on God, shall be raised
 ‘ after death to glory.

35. ‘ When he has paid his three debts *to the*
 ‘ *sages, the manes, and the gods*, let him apply
 ‘ his mind to final beatitude; but low shall He
 ‘ fall, who presumes to seek beatitude, without
 ‘ having discharged those debts:

36. ‘ After he has read the *Védas* in the form
 ‘ prescribed by law, has legally begotten a son,
 ‘ and has performed sacrifices to the best of his
 ‘ power, he *has paid his three debts, and* may then
 ‘ apply his heart to eternal bliss;

37. ‘ But if a *Brábmén* have not read the
 ‘ *Véda*, if he have not begotten a son, and if he
 ‘ have not performed sacrifices, yet shall aim at
 ‘ final beatitude, he shall sink to a place of de-
 ‘ gradation.

38. ‘ Having performed the sacrifice of PRA-
 ‘ JA’PETI, accompanied with a gift of all his
 ‘ wealth, *and* having repositied in his mind the sa-
 ‘ crificial fires, a *Brábmén* may proceed from his
 ‘ house, *that is, from the second order, or he may*
 ‘ *proceed even from the first*, to the condition of
 ‘ a *Sannyási*.

39. ‘ Higher worlds are illuminated with the
 ‘ glory of that man, who passes from his house
 ‘ into the fourth order, giving exemption from

‘ fear to all animated beings, and pronouncing the
‘ *mystick words of the Vēda*:

40. ‘ To the *Bráhmén*, by whom not even
‘ the smallest dread has been occasioned to sen-
‘ tient creatures, there can be no dread from any
‘ quarter whatever, when he obtains a release
‘ from his mortal body.

41. ‘ Departing from his house, taking with
‘ him pure implements, *his waterpot and staff*,
‘ keeping silence, unallured by desire of the ob-
‘ jects near him, let him enter into the fourth
‘ order.

42. ‘ Alone let him constantly dwell, for the
‘ sake of his own felicity: observing the happi-
‘ ness of a solitary man, who neither forsakes
‘ nor is forsaken, let him live without a compa-
‘ nion.

43. ‘ Let him have no culinary fire, no domi-
‘ cil; let him, *when very hungry*, go to the town
‘ for food; let him patiently bear disease; let
‘ his mind be firm; let him study to know
‘ God, and fix his attention on God alone.

44. ‘ An earthen waterpot, the roots of large
‘ trees, coarse vesture, total solitude, equanimity
‘ toward all creatures, these are the character-
‘ istics of a *Bráhmén* set free.

45. ‘ Let him not wish for death; let him not
‘ wish for life; let him expect his appointed
‘ time, as a hired servant expects his wages.

46. ‘ Let him advance his foot purified by
 ‘ looking down, *lest he touch any thing impure*;
 ‘ let him drink water purified by straining with
 ‘ a cloth, *lest he hurt some insect*; let him, *if he*
 ‘ *chuse to speak*, utter words purified by truth;
 ‘ let him by all means keep his heart purified.

47. ‘ Let him bear a reproachful speech with
 ‘ patience; let him speak reproachfully to no
 ‘ man; let him not, on account of this *frail and*
 ‘ *feverish* body, engage in hostility with any one
 ‘ living.

48. ‘ With an angry man let him not in his
 ‘ turn be angry; abused, let him speak mildly;
 ‘ nor let him utter a word relating to vain illu-
 ‘ sory things and confined within seven gates,
 ‘ *the five organs of sense, the heart, and the intel-*
 ‘ *lect*; or *this world, with three above and three*
 ‘ *below it*.

49. ‘ Delighted with meditating on the Su-
 ‘ preme Spirit, sitting fixed in such meditation,
 ‘ without needing any thing earthly, without one
 ‘ sensual desire, without any companion but his
 ‘ own soul, let him live in this world seeking the
 ‘ bliss of the next.

50. ‘ Neither by explaining omens and pro-
 ‘ digies, nor by skill in astrology and palm-
 ‘ estry, nor by casuistry and expositions of
 ‘ holy texts, let him at any time gain his daily
 ‘ support.

51. ' Let him not go near a house frequented
' by hermits, or priests, or birds, or dogs, or
' other beggars.

52. ' His hair, nails, and beard being clipped,
' bearing with him a dish, a staff, and a water-
' pot, his whole mind being fixed on God, let
' him wander about continually, without giving
' pain to *animal or vegetable* beings.

53. ' His dishes must have no fracture, nor
' must they be made of bright metals: the puri-
' fication ordained for them must be with water
' alone, like that of the vessels for a sacrifice.

54. ' A gourd, a wooden bowl, an earthen
' dish, or a basket made of reeds, has MENU, son
' of the Self-existing, declared fit vessels to re-
' ceive the food of *Bráhmens* devoted to God.

55. ' Only once a day let him demand food;
' let him not habituate him to eat much at a
' time; for an anchorite, habituated to eat much,
' becomes inclined to sensual gratifications.

56. ' At the time when the smoke of kitchen
' fires has ceased, when the pestle lies motion-
' less, when the burning charcoal is extinguished,
' when people have eaten and when dishes are
' removed, *that is, late in the day*, let the *San-*
' *nyási* always beg food.

57. ' For missing it, let him not be sorrowful;
' nor for gaining it, let him be glad; let him

‘care only for a sufficiency to support life, but
 ‘let him not be anxious about his utensils.

58. ‘Let him constantly disdain to receive food
 ‘after humble reverence; since, by receiving it
 ‘in consequence of an humble salutation, a *San-*
 ‘*nyāsi*, though free, becomes a captive.

59. ‘By eating little and by sitting in so-
 ‘litary places, let him restrain those organs,
 ‘which are naturally hurried away by sensual
 ‘desires.

60. ‘By the coercion of his members, by the
 ‘absence of hate and affection, and by giving no
 ‘pain to sentient creatures, he becomes fit for
 ‘immortality.

61. ‘Let him reflect on the transmigrations
 ‘of men caused by their sinful deeds, on their
 ‘downfall into a region of darkness, and their
 ‘torments in the mansion of YAMA;

62. ‘On their separation from those, whom
 ‘they love, and their union with those, whom
 ‘they hate, on their strength overpowered
 ‘by old age, and their bodies racked with
 ‘disease;

63. ‘On their agonizing departure from this
 ‘corporeal frame, their formation again in the
 ‘womb, and the glidings of this vital spirit
 ‘through ten thousand millions of uterine
 ‘passages;

64. ‘ On the misery attached to embodied spirits from a violation of their duties, and the unperishable bliss attached to them from their abundant performance of all duties, religious and civil.

65. ‘ Let him reflect also, with exclusive application of mind, on the subtil indivisible essence of the supreme spirit, and its complete existence in all beings, whether extremely high or extremely low.

66. ‘ Equalminded towards all creatures, in what order soever *he may have been* placed, let him fully discharge his duty, though he bear not the visible marks of his order: the visible mark, or mere name, of his order is by no means an effective discharge of his duty;

67. ‘ As, although the fruit of the tree *cataka* purify water, yet a man cannot purify water by merely pronouncing the name of that fruit: *he must throw it, when pounded, into the jar.*

68. ‘ For the sake of preserving minute animals by night and by day, let him walk, though with pain to his own body, perpetually looking on the ground.

69. ‘ Let a *Sannyási*, by way of expiation for the death of those creatures, which he may have destroyed unknowingly by day or by night,

‘ make six suppressions of his breath, having duly
 ‘ bathed:

70. ‘ Even three suppressions of breath made
 ‘ according to the divine rule, accompanied with
 ‘ the triverbal phrase (*bhurbhuvah swah*) and the
 ‘ triliteral syllable (*óm*), may be considered as the
 ‘ highest devotion of a *Bráhmén*.

71. ‘ For as the dross and impurities of me-
 ‘ tallick ores are consumed by fire, thus are the
 ‘ sinful acts of the human organs consumed by
 ‘ suppressions of the breath, *while the mystick*
 ‘ *words, and the measures of the gáyatrì are re-*
 ‘ *vo’ved in the mind.*

72. ‘ Let him thus by such suppressions of
 ‘ breath burn away his offences; by reflecting
 ‘ intensely on the steps of ascent to beatitude, *let*
 ‘ *him destroy sin*; by coercing his members, let
 ‘ him restrain all sensual attachments; by medi-
 ‘ tating on *the intimate union of his own soul and the*
 ‘ *divine essence*, let him extinguish all qualities
 ‘ repugnant to the nature of God.

73. ‘ Let him observe, with extreme applica-
 ‘ tion of mind, the progress of this internal spirit
 ‘ through various bodies, high and low; *a pro-*
 ‘ *gress* hard to be discerned by men with unim-
 ‘ proved intellects.

74. ‘ He, who fully understands the perpetual
 ‘ omnipresence of God, can be led no more cap-

‘ tive by criminal acts; but he, who possesses not
‘ that sublime knowledge, shall wander again
‘ through the world.

75. ‘ By injuring nothing animated, by sub-
‘ duing all sensual appetites, by devout rites or-
‘ dained in the *Vêda*, and by rigorous mortifica-
‘ tions, men obtain, even in this life, the state of
‘ beatitude.

76. ‘ A mansion with bones for its rafters and
‘ beams; with nerves and tendons, for cords;
‘ with muscles and blood, for mortar; with
‘ skin, for its outward covering; filled with no
‘ sweet perfume, but loaded with feces and
‘ urine;

77. ‘ A mansion infested by age and by sor-
‘ row, the seat of malady, harassed with pains,
‘ haunted with the quality of darkness, and in-
‘ capable of standing long; such a mansion of the
‘ vital soul let its occupier always cheerfully
‘ quit:

78. ‘ As a tree leaves the bank of a river,
‘ when it falls in, or as a bird leaves the branch
‘ of a tree at his pleasure, thus he, who leaves
‘ his body by necessity or by legal choice, is de-
‘ livered from the ravening shark, or crocodile,
‘ of the world.

79. ‘ Letting his good acts descend (by the
‘ law of the *Vêda*) to those, who love him, and

‘ his evil deeds, to those, who hate him, he may
 ‘ attain, through devout meditation, the eternal
 ‘ spirit.

80. ‘ When, having well considered the na-
 ‘ ture and consequence of sin, he becomes averse
 ‘ from all sensual delights, he then attains bliss
 ‘ in this world; bliss, which shall endure after
 ‘ death.

81. ‘ Thus, having gradually abandoned all
 ‘ earthly attachments, and indifferent to all pairs
 ‘ of opposite things, *as honour and dishonour, and*
 ‘ *the like*, he remains absorbed in the divine ef-
 ‘ fence.

82. ‘ All, that has now been declared, is ob-
 ‘ tained by pious meditation; but no man, who
 ‘ is ignorant of the supreme spirit, can gather
 ‘ the fruit of mere ceremonial acts.

83. ‘ Let him constantly study that part of the
 ‘ *Vêda*, which relates to sacrifice; that, which
 ‘ treats of subordinate deities; that, which re-
 ‘ veals the nature of the supreme God; and
 ‘ whatever is declared in the *Upanishads*.

84. ‘ This holy scripture is a sure refuge even
 ‘ for those, who understand not its meaning,
 ‘ and of course for those, who understand it; this
 ‘ *Vêda* is a sure resource for those, who seek bliss
 ‘ above, this is a sure resource for those, who
 ‘ seek bliss eternal.

85. ‘ That *Brábmén*, who becomes a *Sannyási*
 ‘ by this discipline, *announced* in due order,
 ‘ shakes off sin here below, and reaches the most
 ‘ high.

86. ‘ This *general* law has been revealed to
 ‘ you for anchorites with subdued minds :
 ‘ now learn the particular discipline of those,
 ‘ who become recluses according to the *Véda*,
 ‘ that is, of *anchorites* in the first of the four
 ‘ degrees.

87. ‘ The student, the married man, the
 ‘ hermit, and the anchorite, are the offspring,
 ‘ though in four orders, of married men keeping
 ‘ house;

88. ‘ And all, or even any, of those or-
 ‘ ders, assumed in their turn, according to the
 ‘ sacred ordinances, lead the *Brábmén*, who
 ‘ acts by the preceding rules, to the highest
 ‘ mansion :

89. ‘ But of all those, the housekeeper, ob-
 ‘ serving the regulations of the *Sruti* and *Smṛiti*,
 ‘ may be called the chief ; since he supports the
 ‘ three *other orders*.

90. ‘ As all rivers, female and male, run to
 ‘ their determined place in the sea, thus men of
 ‘ all *other orders* repair to their fixed place in
 ‘ the mansion of the housekeeper.

91. ‘ By *Brábmén*s, placed in these four or-

‘ ders, a tenfold system of duties must ~~ever~~ be
‘ sedulously practised :

92. ‘ Content, returning good for evil, re-
‘ sistance to sensual appetites, abstinence from
‘ illicit gain, purification, coercion of the organs,
‘ knowledge of scripture, knowledge of the su-
‘ preme spirit, veracity, and freedom from wrath,
‘ form their tenfold system of duties. .

93. ‘ Such *Bráhmens*, as attentively read the
‘ ten precepts of duty, and after reading, care-
‘ fully practise them, attain the most exalted
‘ condition.

94. ‘ A *Bráhmen*, having practised, with or-
‘ gans under command, this tenfold system of
‘ duty, having heard the *Upanishads* explained,
‘ as the law directs, and who has discharged his
‘ three debts, may become an anchorite, *in the*
‘ *house of his son*, according to the *Véda*;

95. ‘ And, having abandoned all ceremonial
‘ acts, having expiated all his offences, having
‘ obtained a command over his organs, and hav-
‘ ing perfectly understood the scripture, he may
‘ live at his ease, while the household affairs are
‘ conducted by his son.

96. ‘ When he thus has relinquished all forms,
‘ is intent on his own occupation, and free from
‘ every other desire, when, by devoting himself
‘ to God, he has effaced sin, he then attains the
‘ supreme path of glory.

97. ' THIS fourfold regulation for the sacerdotal class, has thus been made known to you ; a just regulation, producing endless fruit after death : next, learn the duty of kings, or *the military class.*'

CHAPTER THE SEVENTH.

*On Government, and Publick Law; or on the
Military Clafs.*

1. ‘ I WILL fully declare the duty of kings; and
‘ *ſhow* how a ruler of men ſhould conduct him-
‘ ſelf, in what manner he was framed, and how
‘ his ultimate reward *may be attained by him*.

2. ‘ By a man of the military clafs, who has
‘ received in due form the inveſtiture, which the
‘ *Vēda* preſcribes, great care muſt be uſed to
‘ maintain the whole *aſſemblage of laws*.

3. ‘ Since, if the world had no king, it would
‘ quake on all ſides through fear, the ruler of this
‘ *univerſe*, therefore, created a king, for the main-
‘ tenance of this ſyſtem, both religious and civil,

4. ‘ Forming him of eternal particles drawn
‘ from the ſubſtance of INDRA, PAVANA, YA-
‘ MA, SU’RYA, of AGNI and VARUNA, of
‘ CHANDRA and CUVE’RA :

5. ‘ And ſince a king was compoſed of par-
‘ ticles drawn from thoſe chief guardian deities,
‘ he conſequently ſurpaſſes all mortals in glory.

6. ‘ Like the sun, he burns eyes and hearts ;
‘ nor can any human creature on earth even gaze
‘ on him.

7. ‘ He *is* fire and air ; he, both sun and moon ;
‘ he, the god of criminal justice ; he, the genius
‘ of wealth ; he, the regent of waters ; he, the
‘ lord of the firmament.

8. ‘ A king, even though a child, must not
‘ be treated lightly, from an idea that he is a
‘ mere mortal : no ; he is a powerful divinity,
‘ who appears in a human shape.

9. ‘ Fire burns only one person, who carelessly
‘ goes too near it ; but the fire of a king in wrath
‘ burns a whole family, with all their cattle and
‘ goods.

10. ‘ Fully considering the business before
‘ him, his own force, and the place, and the time,
‘ he assumes in succession all sorts of forms, for
‘ the sake of advancing justice.

11. ‘ He, sure, must be the perfect essence of
‘ majesty, by whose favour Abundance rises on
‘ her lotos, in whose valour dwells conquest ; in
‘ whose anger, death.

12. ‘ He, who shows hatred of the king,
‘ through delusion of mind, will certainly perish ;
‘ for speedily will the king apply his heart to
‘ that man’s perdition.

13. ‘ LET the king prepare a just compensa-
‘ tion for the good, and a just punishment for the

‘ bad: the rule of strict justice let him never
‘ transgress.

14. ‘ For his use BRAHMA’ formed in the be-
‘ ginning of time the genius of punishment, with
‘ a body of pure light, his own son, even abstract
‘ criminal justice, the protector of all created
‘ things:

15. ‘ Through fear of that genius all sentient
‘ beings, whether fixed or locomotive, are fitted
‘ for natural enjoyments and swerve not from
‘ duty.

16. ‘ When the king, therefore, has fully con-
‘ sidered place and time, and his own strength,
‘ and the divine ordinance, let him justly inflict
‘ punishment on all those, who act unjustly,

17. ‘ Punishment is an active ruler; he is the
‘ true manager of publick affairs; he is the dis-
‘ penser of laws; and wise men call him the
‘ sponsor of all the four orders for the discharge
‘ of their several duties.

18. ‘ Punishment governs all mankind; pu-
‘ nishment alone preserves them; punishment
‘ wakes, while their guards are asleep; the wise
‘ consider punishment as the perfection of justice.

19. ‘ When rightly and considerately inflicted,
‘ it makes all the people happy; but, inflicted
‘ without full consideration, it wholly destroys
‘ them all.

20. ‘ If the king were not, without indolence,

‘ to punish the guilty, the stronger would roast
‘ the weaker, like fish, on a spit; (*or, according*
‘ *to one reading*, the stronger would oppress the
‘ weaker, like fish in their element;)

21. ‘ The crow would peck the consecrated
‘ offering of rice; the dog would lick the clarified
‘ butter; ownership would remain with none;
‘ the lowest would overset the highest.

22. ‘ The whole race of men is kept in order
‘ by punishment; for a guiltless man is hard to
‘ be found: through fear of punishment, indeed,
‘ this universe is enabled to enjoy its blessings;

23. ‘ Deities and demons, heavenly songsters
‘ and cruel giants, birds and serpents, are made
‘ capable, by just correction, of their several en-
‘ joyments.

24. ‘ All classes would become corrupt; all
‘ barriers would be destroyed, there would be
‘ total confusion among men, if punishment
‘ either were not inflicted, or were inflicted un-
‘ duly:

25. ‘ But where punishment, with a black
‘ hue and a red eye, advances to destroy sin,
‘ there, if the judge discern well, the people are
‘ undisturbed,

26. ‘ Holy sages consider as a fit dispenser of
‘ criminal justice, that king, who invariably
‘ speaks truth, who duly considers all cases,
‘ who understands the sacred books, who knows
‘ the distinctions of virtue, pleasure, and riches;

27. ‘ Such a king, if he justly inflict legal punishments, greatly increases those three means of happiness; but punishment itself shall destroy a king, who is crafty, voluptuous, and wrathful:

28. ‘ Criminal justice, the bright essence of majesty, and hard to be supported by men with unimproved minds, eradicates a king, who swerves from his duty, together with all his race;

29. ‘ Punishment shall overtake his castles, his territories, his peopled land with all fixed and all moveable things, that exist on it: even the gods and the sages, *who lose their oblations*, will be afflicted and ascend to the sky.

30. ‘ Just punishment cannot be inflicted by an ignorant and covetous king, who has no wise and virtuous assistant, whose understanding has not been improved, and whose heart is addicted to sensuality;

31. ‘ By a king, wholly pure, faithful to his promise, observant of the scriptures, with good assistants and sound understanding, may punishment be justly inflicted.

32. ‘ Let him in his own domains act with justice, chastise foreign foes with rigour, behave without duplicity to his affectionate friends, and with lenity to *Bráhmens*.

33. ‘ Of a king thus disposed, even though he subsist by gleaning, *or, be his treasure ever*

‘ *so small*, the fame is far spread in the world,
 ‘ like a drop of oil in water;

34. ‘ But of a king with a contrary disposition,
 ‘ with passions unsubdued, *be his riches ever*
 ‘ *so great*, the fame is contracted in the world,
 ‘ like clarified butter in the same element.

35. ‘ A king was created as the protector of
 ‘ all those classes and orders, who, from the first
 ‘ to the last, discharge their several duties;

36. ‘ *And* all, that must be done by him, for
 ‘ the protection of his people, with the assistance
 ‘ of good ministers, I will declare to you, as the
 ‘ law directs, in due order.

37. ‘ LET the king, having risen at early
 ‘ dawn, respectfully attend to *Bráhmens*, learned
 ‘ in the three *Védas*, and in the science of ethicks;
 ‘ and by their decision let him abide.

38. ‘ Constantly must he show respect to
 ‘ *Bráhmens*, who have grown old, *both in years*
 ‘ *and in piety*, who know the scriptures, who *in*
 ‘ *body and mind* are pure; for he, who honours
 ‘ the aged, will perpetually be honoured even by
 ‘ cruel demons:

39. ‘ From them, though he may have acquired
 ‘ modest behaviour *by his own good sense*
 ‘ *and by study*, let him continually learn habits
 ‘ of modesty and composure; since a king, whose
 ‘ demeanour is humble and composed, never
 ‘ perishes.

40. ' While, through want of such humble
' virtue, many kings have perished with all
' their possessions, and, through virtue united
' with modesty, even hermits have obtained
' kingdoms.

41. ' Through want of that virtuous humi-
' lity VĒ'NA was utterly ruined, and so was the
' great king NAHUSHA, and SUDA'SA, and YA-
' VANA (*or, by a different reading, and SUDA'SA,*
' the son of PIYAVANA), and SUMAC'HA, and
' NIMI;

42. ' But, by virtues with humble behaviour,
' PRĪT'HU and MENU acquired sovereignty;
' CUVERA, wealth inexhaustible; and VIS-
' WA'MITRA, son of GA'DHI, the rank of a priest,
' *though born in the military class.*

43. ' From those, who know the three *Vēdas*,
' let him learn the triple doctrine comprised in
' them, together with the primeval science of
' criminal justice and sound policy, the system of
' logick and metaphysics, and sublime theological
' truth: from the people he must learn the theory
' of *agriculture, commerce, and other practical arts.*

44. ' Day and night must he strenuously ex-
' ert himself to gain complete victory over his
' own organs; since that king alone, whose or-
' gans are completely subdued, can keep his peo-
' ple firm to their duty.

45. ' With extreme care let him shun eighteen

‘ vices, ten proceeding from love of pleasure,
 ‘ eight springing from wrath, and all ending in
 ‘ misery ;

46. ‘ Since a king, addicted to vices arising
 ‘ from love of pleasure, must lose both his wealth
 ‘ and his virtue, and, addicted to vices arising
 ‘ from anger, he may lose even his life *from the*
 ‘ *publick resentment.*

47. ‘ Hunting, gaming, sleeping by day, cen-
 ‘ suring rivals, excess with women, intoxication,
 ‘ singing, instrumental musick, dancing, and use-
 ‘ less travel, are the tenfold set of vices produced
 ‘ by love of pleasure :

48. ‘ Talebearing, violence, insidious wound-
 ‘ ing, envy, detraction, unjust seizure of pro-
 ‘ perty, reviling, and open assault, are in like
 ‘ manner the eightfold set of vices, to which
 ‘ anger gives birth.

49. ‘ A selfish inclination, which all wise men
 ‘ know to be the root of those two sets, let him
 ‘ suppress with diligence: both sets of vices are
 ‘ constantly produced by it.

50. ‘ Drinking, dice, women, and hunting,
 ‘ let him consider as the four most pernicious in
 ‘ the set, which love of pleasure occasions :

51. ‘ Battery, defamation, and injury to pro-
 ‘ perty, let him always consider as the three most
 ‘ heinous in the set, which arises from wrath ;

52. ‘ *And in this sevenfold assemblage of vices,*
‘ too frequently prevailing in all kingdoms, let
‘ an enlightened prince consider the first, and
‘ so forth in order, as the most abominable in
‘ each set.

53. ‘ On a comparison between death and
‘ vice, the learned pronounce vice the more
‘ dreadful; since, after death, a vicious man sinks
‘ to regions lower and lower, while a man, free
‘ from vice, reaches heaven.

54. ‘ The king must appoint seven or eight
‘ ministers, who must be sworn *by touching a sa-*
‘ *cred image and the like*; men, whose ancestors
‘ were servants of kings; who are versed in the
‘ holy books; who are personally brave; who
‘ are skilled in the use of weapons; and whose
‘ lineage is noble.

55. ‘ Even an act easy in itself is hard some-
‘ times to be performed by a single man, especi-
‘ ally if he have no assistant near: how much
‘ harder *must it be to perform alone the business of*
‘ a kingdom with great revenues!

56. ‘ Let him perpetually consult with those
‘ ministers on peace and war, on his forces, on
‘ his revenues, on the protection of his people,
‘ and on the means of bestowing aptly the
‘ wealth, which he has acquired:

57. ‘ Having ascertained the several opinions

‘ of his counsellors, *first* apart and *then* collec-
 ‘ tively, let him do what is most beneficial for
 ‘ him in publick affairs.

58. ‘ To one learned *Brábmén*, distinguished
 ‘ among them all, let the king impart his mo-
 ‘ mentous counsel, relating to fix *principal* ar-
 ‘ ticles.

59. ‘ To him, with full confidence, let him
 ‘ intrust all transactions; and with him, having
 ‘ taken his final resolution, let him begin all his
 ‘ measures.

60. ‘ He must likewise appoint other officers;
 ‘ men of integrity, well informed, steady, habi-
 ‘ tuated to gain wealth by honourable means, and
 ‘ tried by experience.

61. ‘ As many officers as the due performance
 ‘ of his business requires, not slothful men, *but*
 ‘ *active*, able, and well instructed, so many and
 ‘ no more, let him appoint.

62. ‘ Among those let him employ the brave,
 ‘ the skilful, the well-born, andt he honest, in his
 ‘ mines of *gold or gems*, and in other similar
 ‘ works *for amassing wealth*; but the pusillani-
 ‘ mous, in the recesses of his palace.

63. ‘ Let him likewise appoint an ambassador
 ‘ versed in all the *Sástras*, who understands
 ‘ hints, external signs, and actions, *whose band*
 ‘ *and heart are pure*, whose abilities are great,
 ‘ and whose birth was illustrious:

64. ' That royal ambassador is applauded
 ' most, who is generally beloved, pure within
 ' and without, dextrous in business, and endued
 ' with an excellent memory; who knows coun-
 ' tries and times, is handsome, intrepid, and elo-
 ' quent.

65. ' The forces of the realm must be imme-
 ' diately regulated by the commander in chief;
 ' the actual infliction of punishment, by the offi-
 ' cers of criminal justice; the treasury and the
 ' country, by the king himself; peace and war,
 ' by the ambassador;

66. ' For it is the ambassador alone, who
 ' unites, who alone disjoins the united; that is,
 ' he transacts the business, by which kingdoms
 ' are at variance or in amity.

67. ' In the transaction of affairs let the am-
 ' bassador comprehend the visible signs and hints,
 ' and discover the acts, of the foreign king, by
 ' the signs, hints, and acts of his confidential ser-
 ' vants, and the measures, which that king wishes
 ' to take, *by the character and conduct of his mi-
 ' nisters.*

68. ' Thus, having learned completely *from his
 ' ambassador* all the designs of the foreign prince,
 ' let the king so apply his vigilant care, that he
 ' bring no evil on himself.

69. ' Let him fix his abode in a district con-
 ' taining open champaigns; abounding with

grain; inhabited chiefly by the virtuous; not infected with maladies; beautiful to the sight; furrounded by submissive *mountaineers, foresters, or other* neighbours; a country, in which the subjects may live at ease.

70. ' There let him reside in a capital, having, by way of a fortrefs, a desert *rather more than twenty miles round it*, or a fortrefs of earth, a fortrefs of water, or of trees, a fortrefs of armed men, or a fortrefs of mountains.

71. ' With all possible care let him secure a fortrefs of mountains; for, among those just mentioned, a fortrefs of mountains has many transcendent properties.

72. ' In the three first of them live wild beasts, vermin, and aquatick animals; in the three last, apes, men, and gods, in order as they are named:

73. ' As enemies hurt them not in the shelter of their several abodes, thus foes hurt not a king, who has taken refuge in his *durga*, or *place of difficult access*.

74. ' One bowman, placed on a wall, is a match in war for a hundred enemies; and a hundred, for ten thousand; therefore is a fort recommended.

75. ' Let that fort be supplied with weapons, with money, with grain, with beasts, with

‘ *Bráhmens*, with artificers, with engines, with
 ‘ grafs, and with water.

76. ‘ In the centre of it let him raife his own
 ‘ palace, well finished in all its parts, com-
 ‘ pletely defended, habitable in every feafon,
 ‘ brilliant *with white ftucco*, furrounded with
 ‘ water and trees :

77. ‘ Having prepared it for his manfion, let
 ‘ him chufe a confort of the fame clafs with him-
 ‘ felf, endued with all the bodily marks of excel-
 ‘ lence, born of an exalted race, captivating his
 ‘ heart, adorned with beauty and the beft qua-
 ‘ lities.

78. ‘ HE muft appoint alfo a domeftick prieft,
 ‘ and retain a performer of facrifices, who may
 ‘ folemnize the religious rites of his family, and
 ‘ thofe performed with three facred fires.

79. ‘ Let the king make facrifices, accompa-
 ‘ nied with gifts of many different kinds ; and,
 ‘ for the full difcharge of his duty, let him give
 ‘ the *Bráhmens* both legal enjoyments and mo-
 ‘ derate wealth.

80. ‘ His annual revenue he may receive
 ‘ from his whole dominion through his collec-
 ‘ tors ; but let him in this world obferve the di-
 ‘ vine ordinances ; let him act as a father to his
 ‘ people.

81. ‘ Here and there he muft appoint many

‘ sorts of intelligent supervisors, who may inspect
 ‘ all the acts of the officers engaged in his bu-
 ‘ siness.

82. ‘ To *Bráhmens* returned from the man-
 ‘ sions of their preceptors, let him show due
 ‘ respect ; for that is called a precious unperish-
 ‘ able gem, deposited by kings with the sacerdotal
 ‘ class:

83. ‘ It is a gem, which neither thieves or
 ‘ foes take away ; which never perishes : kings
 ‘ must, therefore, deposit with *Bráhmens* that in-
 ‘ destructible jewel of *respectful presents*.

84. ‘ An oblation in the mouth, or hand, of a
 ‘ *Bráhmen*, is far better than offerings to holy
 ‘ fire : it never drops ; it never dries ; it is never
 ‘ consumed.

85. ‘ A gift to one not a *Bráhmen* produces
 ‘ fruit of a middle standard ; to one, who calls
 ‘ himself a *Bráhmen*, double ; to a well read
 ‘ *Bráhmen*, a hundred thousand fold ; to one,
 ‘ who has read all the *Védas*, infinite.

86. ‘ Of a gift, made with faith in the *Sástra*,
 ‘ to a person highly deserving it, the giver shall
 ‘ indubitably gain the fruit after death, be the
 ‘ present small or great.

87. ‘ A KING, while he protects his people,
 ‘ being defied by an enemy of equal, greater, or
 ‘ less force, must by no means turn his face from

‘ battle, but must remember the duty of his military class :

88. ‘ Never to recede from combat, to protect the people, and to honour the priests, is the highest duty of kings, and insures their felicity.

89. ‘ Those rulers of the earth, who, desirous of defeating each other, exert their utmost strength in battle, without ever averting their faces, ascend after death directly to heaven.

90. ‘ LET no man, engaged in combat, smite his foe with sharp weapons concealed *in wood*, nor with arrows mischievously barbed, nor with poisoned arrows, nor with darts blazing with fire;

91. ‘ Nor let him *in a car or on horseback*, strike his enemy alighted on the ground; nor an effeminate man; nor one, who sues for life with closed palms; nor one, whose hair is loose *and obstructs his sight*; nor one, who sits down *fatigued*; nor one, who says, “ I am thy captive ;”

92. ‘ Nor one, who sleeps; nor one, who has lost his coat of mail; nor one, who is naked; nor one, who is disarmed; nor one, who is a spectator, but not a combatant; nor one, who is fighting with another man :

93. ‘ Calling to mind the duty of honourable men, let him never slay one, who has broken

‘ his weapon; nor one, who is afflicted *with private sorrow*; nor one, who has been grievously wounded; nor one, who is terrified; nor one, who turns his back.

94. ‘ The soldier, indeed, who, fearing and turning his back, happens to be slain by his foes in an engagement, shall take upon himself all the sin of his commander, whatever it be;

95. ‘ And the commander shall take to himself *the fruit of* all the good conduct, which the soldier, who turns his back and is killed, had previously stored up for a future life.

96. ‘ CARS, horses, elephants, umbrellas, habiliments, *except the jewels which may adorn them*, grain, cattle, women, all sorts of liquids and metals, except gold and silver, are the lawful prizes of the man who takes them in war;

97. ‘ But of those prizes the captors must lay the most valuable before the king: such is the rule in the *Vêda* concerning them; and the king should distribute among the whole army what has not been separately taken.

98. ‘ Thus has been declared the blameless primeval law for military men: from this law a king must never depart, when he attacks his foes in battle.

99. ‘ What he has not gained *from his foe*, let him strive to gain; what he has acquired, let

‘ him preserve with care; what he preserves, let
 ‘ him augment; and what he has augmented, let
 ‘ him bestow on the deserving.

100. ‘ This is the fourfold rule, which he
 ‘ must consider as the sure means of attaining
 ‘ the great object of man, *happiness*; and let him
 ‘ practise it fully without intermission, without
 ‘ indolence:

101. ‘ What he has not gained, let him strive
 ‘ to gain by military strength; what he has ac-
 ‘ quired, let him preserve by careful inspection;
 ‘ what he has preserved, let him augment by
 ‘ legal modes of increase; and what he has aug-
 ‘ mented, let him dispense with just liberality.

102. ‘ Let his troops be constantly exercised;
 ‘ his prowess, constantly displayed; what he
 ‘ ought to secure, constantly secured; and the
 ‘ weakness of his foe, constantly investigated.

103. ‘ By a king, whose forces are always
 ‘ ready for action, the whole world may be kept
 ‘ in awe; let him then, by a force always ready,
 ‘ make all creatures living his own.

104. ‘ Let him act on all occasions without
 ‘ guile, and never with insincerity; but, keeping
 ‘ himself ever on his guard, let him discover the
 ‘ fraud intended by his foe.

105. ‘ Let not his enemy discern his vulner-
 ‘ able part, but the vulnerable part of his enemy
 ‘ let him well discern: like a tortoise, let him

‘ draw in his members under *the shell* of concealment, and diligently let him repair any breach, that may be made in it.

106. ‘ Like a heron, let him muse on gaining advantages; like a lion, let him put forth his strength; like a wolf, let him creep towards his prey; like a hare, let him double to secure his retreat.

107. ‘ When he thus has prepared himself for conquest, let him reduce all opposers to submission by negotiation and three other expedients, *namely, presents, division, and force of arms*:

108. ‘ If they cannot be restrained by the three first methods, then let him, firmly but gradually, bring them to subjection by military force.

109. ‘ Among those four modes of obtaining success, the wise prefer negotiation and war for the exaltation of kingdoms.

110. ‘ As a husbandman plucks up weeds and preserves his corn, thus let a king destroy his opponents and secure his people.

111. ‘ That king, who, through weakness of intellect, rashly oppresses his people, will, together with his family, be deprived both of kingdom and life:

112. ‘ As, by the loss of bodily sustenance, the lives of animated beings are destroyed, thus, by the distress of kingdoms, are destroyed even the lives of kings.

113. ' For the sake of protecting his dominions, let the king perpetually observe the following rules; for, by protecting his dominions, he will increase his own happiness.

114. ' Let him place, as the protectors of his realm, a company of guards, commanded by an approved officer, over two, three, five, or a hundred districts, *according to their extent*.

115. ' Let him appoint a lord of one town with its district, a lord of ten towns, a lord of twenty, a lord of a hundred, and a lord of a thousand.

116. ' Let the lord of one town certify of his own accord to the lord of ten towns any *robberies, tumults, or other evils, which arise in his district, and which he cannot suppress*; and the lord of ten, to the lord of twenty:

117. ' Then let the lord of twenty towns notify them to the lord of a hundred; and let the lord of a hundred transmit the information himself to the lord of a thousand townships.

118. ' Such food, drink, wood, and other articles, as by law should be given each day to the king by the inhabitants of the township, let the lord of one town receive *as his perquisite*:

119. ' Let the lord of ten towns enjoy the produce of two ploughlands, *or as much ground as can be tilled with two ploughs, each drawn by six bulls*; the lord of twenty, that of five plough-

lands; the lord of a hundred, that of a village or small town; the lord of a thousand, that of a large town.

120. ' The affairs of those *townships*, either jointly or separately transacted, let another minister of the king inspect; who should be well affected, and by no means remiss.

121. ' In every large town or city, let him appoint one superintendent of all affairs, elevated in rank, formidable in power, distinguished as a planet among stars:

122. ' Let that governor from time to time survey all the rest in person, and, by means of his emissaries, let him perfectly know their conduct in their several districts.

123. ' Since the servants of the king, whom he has appointed guardians of districts, are generally knaves, who seize what belongs to other men, from such knaves let him defend his people:

124. ' Of such evilminded servants, as wring wealth from subjects attending them on business, let the king confiscate all the possessions, and banish them from his realm.

125. ' For women, employed in the service of the king, and for his whole set of menial servants, let him daily provide a maintenance, in proportion to their station and to their work:

126. ' One *pana* of copper must be given *each*
 ' day as wages to the lowest servant, with two
 ' cloths *for apparel* every half year, and a *dróna*
 ' of grain every month; to the highest *must be*
 ' given wages in the ratio of six to one.

127. ' Having ascertained the rates of pur-
 ' chase and sale, *the length of* the way, the ex-
 ' pences of food and of condiments, the charges
 ' of securing the goods carried, and the neat pro-
 ' fits of trade, let the king oblige traders to pay
 ' taxes *on their saleable commodities* :

128. ' After full consideration, let a king so
 ' levy those taxes continually in his dominions,
 ' that both he and the merchant may receive a
 ' just compensation for their several acts.

129. ' As the leech, the suckling calf, and
 ' the bee, take their natural food by little and
 ' little, thus must a king draw from his domi-
 ' nions an annual revenue.

130. ' Of cattle, of gems, of gold and silver,
 ' *added each year to the capital stock*, a fiftieth
 ' part may be taken by the king; of grain, an
 ' eighth part, a sixth, or a twelfth, *according to*
 ' *the difference of the soil, and the labour necessary*
 ' *to cultivate it*.

131. ' He may also take a sixth part of the
 ' clear annual increase of trees, fleshmeat, honey,
 ' clarified butter, perfumes, medical substances,
 ' liquids, flowers, roots, and fruit,

132. ‘ Of gathered leaves, potherbs, grass,
 ‘ utensils made with leather or cane, earthen pots,
 ‘ and all things made of stone.

133. ‘ A king, even though dying *with want*,
 ‘ must not receive any tax from a *Brábmén*
 ‘ learned in the *Védas*, nor suffer such a *Brábmén*,
 ‘ residing in his territories, to be afflicted with
 ‘ hunger:

134. ‘ Of that king, in whose dominion a
 ‘ learned *Brábmén* is afflicted with hunger, the
 ‘ whole kingdom will in a short time be afflicted
 ‘ with famine.

135. ‘ The king, having ascertained his know-
 ‘ ledge of scripture and good morals, must allot
 ‘ him a suitable maintenance, and protect him
 ‘ on all sides, as a father protects his own son:

136. ‘ By that religious duty, which such a
 ‘ *Brábmén* performs each day, under the full pro-
 ‘ tection of the sovereign, the life, wealth, and
 ‘ dominions of his protector shall be greatly in-
 ‘ creased.

137. ‘ Let the king order a mere trifle to be
 ‘ paid, in the name of the annual tax, by the
 ‘ meaner inhabitants of his realm, who subsist
 ‘ by petty traffick:

138. ‘ By low handicraftsmen, artificers, and
 ‘ servile men, who support themselves by labour,
 ‘ the king may cause work to be done for a day
 ‘ in each month.

139. ‘ Let him not cut up his own root *by taking no revenue*, nor the root of other men by excess of covetousness ; for, by cutting up his own root *and theirs*, he makes both himself and them wretched.

140. ‘ Let him, considering the *diversity of cases*, be *occasionally sharp and occasionally mild*, since a king, duly sharp and mild, becomes universally approved.

141. ‘ When tired of overlooking the affairs of men, let him assign the station of *such an inspector* to a principal minister, who well knows his duty, who is eminently learned, whose passions are subdued, and whose birth is exalted.

142. ‘ Thus must he protect his people, discharging, with great exertion and without languor, all those duties, which the law requires him to perform.

143. ‘ That monarch, whose subjects are carried from his kingdom by ruffians, while they call aloud for protection, and he barely looks on them with his ministers, is a dead, and not a living, king.

144. ‘ The highest duty of a military man is the defence of his people, and the king, who receives the consideration just mentioned, is bound to discharge that duty.

145. ‘ HAVING risen in the last watch of the night, his body being pure, and his mind atten-

‘ tive, having made oblations to fire, and shown
‘ due respect to the priests, let him enter his hall
‘ decently splendid:

146. ‘ Standing there, let him gratify his sub-
‘ jects, before he dismisses them, *with kind looks*
‘ *and words*; and, having dismissed them all, let
‘ him take secret council with his principal mi-
‘ nisters:

147. ‘ Ascending up the back of a mountain,
‘ or going privately to a terrace, a bower, a fo-
‘ rest, or a lonely place, without listeners, let him
‘ consult with them unobserved.

148. ‘ That prince, of whose weighty secrets
‘ all assemblies of men are ignorant, shall attain
‘ dominion over the whole earth, though *at first*
‘ he possesses no treasure.

149. ‘ At the time of consultation, let him
‘ remove the stupid, the dumb, the blind, and the
‘ deaf, talking birds, decrepit old men, women,
‘ and infidels, the diseased and the maimed ;

150. ‘ Since those, who are disgraced *in this*
‘ *life by reason of sins formerly committed*, are apt
‘ to betray secret council ; so are talking birds ;
‘ and so above all are women: them he must, for
‘ that reason, diligently remove.

151. ‘ At noon or at midnight, when his fa-
‘ tiques have ceased, and his cares are dispersed,
‘ let him deliberate, with those ministers or alone,
‘ on virtue, lawful pleasure, and wealth ;

152. ‘ On the means of reconciling the acquisition of them, when they oppose each other; on bestowing his daughters in marriage, and on preserving his sons *from evil by the best education*;

153. ‘ On sending ambassadors and messengers; on the probable events of his measures; on the behaviour of *his women* in the private apartment; and on the acts even of his own emissaries.

154. ‘ On the whole eightfold business of kings, relating to the revenue, to their expences, to the good or bad conduct of their ministers, to legislation in dubious cases, to civil and criminal justice, and to expiations for crimes, let him reflect with the greatest attention; on his five sorts of spies, or active and artful youths, degraded anchorets, distressed husbandmen, decayed merchants, and fictitious penitents, whom he must pay and see privately; on the good will or enmity of *his neighbours*, and on the state of the circumjacent countries.

155. ‘ On the conduct of that foreign prince, who has moderate strength *equal to one ordinary foe, but no match for two*; on the designs of him, who is willing *and able* to be a conqueror; on the condition of him, who is pacifick, *but a match even for the former unallied*; and on that of his *natural* enemy, let him sedulously meditate:

156. ‘ Those *four powers*, who, in one word,
‘ are the root or *principal strength*, of the coun-
‘ tries round him, added to eight others, *who are*
‘ called the branches, and are as many degrees of
‘ allies and opponents variously distinguished, are
‘ declared to be twelve chief objects of the royal
‘ consideration;

157. ‘ And five other heads, namely, their mi-
‘ nisters, their territories, their strong holds,
‘ their treasuries, and their armies, being applied
‘ to each of those twelve, there are in all, *toge-*
‘ *ther with them*, seventy-two foreign objects to
‘ be carefully investigated.

158. ‘ Let the king consider as hostile to him
‘ the power immediately beyond him, and the
‘ favourer of that power; as amicable, the power
‘ next beyond his *natural* foe; and as neutral,
‘ the powers beyond that circle :

159. ‘ All those *powers* let him render subser-
‘ vient to his interest by mild measures and the
‘ other *three expedients before mentioned*, either
‘ separate or united, but principally by valour and
‘ policy in arms and negotiation.

160. ‘ Let him constantly deliberate on the
‘ six measures of a military prince, *namely*, wag-
‘ ing war, and making peace or alliance, march-
‘ ing to battle, and sitting encamped, distribut-
‘ ing his forces, and seeking the protection of a
‘ more powerful monarch:

161. ‘ Having considered the posture of affairs, let him occasionally apply to it the measure of sitting inactive, or of marching to action, of peace, or of war, of dividing his force, or of seeking protection.

162. ‘ A king must know, that there are two sorts of alliance and war; two, of remaining encamped, and of marching; two, likewise, of dividing his army, and of obtaining protection from another power.

163. ‘ The two sorts of alliance, attended with present and future advantages, are held to be those, when he acts in conjunction with his ally, and when he acts apart from him.

164. ‘ War is declared to be of two sorts; when it is waged for an injury to himself, and when it is waged for an injury to his ally, with a view to harass the enemy both in season and out of season.

165. ‘ Marching is of two sorts, when destructive acts are done at his own pleasure by himself apart, or when his ally attends him.

166. ‘ The two sorts of sitting encamped are, *first*, when he has been gradually weakened by the divine power, or by the operation of past sins, and, *secondly*, when, to favour his ally, he remains in his camp.

167. ‘ A detachment commanded by the king in person, and a detachment commanded by a general officer, for the purpose of carrying some

‘ important point, are declared by those, who
‘ well know the ~~fix~~ measures, to be the two
‘ modes of dividing his army.

168. ‘ The two modes of seeking protection,
‘ that his powerful support may be proclaimed in
‘ all countries, are, *first*, when he wishes to be
‘ secure from apprehended injury, and, *next*, when
‘ his enemies actually assail him.

169. ‘ When the king knows with certainty,
‘ that at some future time his force will be greatly
‘ augmented, and when, at the time present, he
‘ sustains little injury, let him then have recourse
‘ to peaceful measures;

170. ‘ But, when he sees all his subjects con-
‘ siderably firm in strength, and feels himself
‘ highly exalted in power, let him protect his do-
‘ minions by war.

171. ‘ When he perfectly knows his own
‘ troops to be cheerful and well supplied, and
‘ those of his enemy quite the reverse, let him
‘ eagerly march against his foes;

172. ‘ But, when he finds himself weak in
‘ beasts of burden and in troops, let him then sit
‘ quiet in camp, using great attention, and paci-
‘ fying his enemy by degrees.

173. ‘ When a king sees his foes stronger in
‘ all respects than himself, let him detach a part
‘ of his army, *to keep the enemy amused*, and se-
‘ cure his own safety *in an inaccessible place*;

174. ‘ But, when he is in all places assailable
‘ by the hostile troops, let him speedily seek the
‘ protection of a just and powerful monarch.

175. ‘ Him, who can keep in subjection both
‘ his own subjects and his foes, let him constantly
‘ footh by all sorts of attentive respect, as he
‘ would honour his father, natural or spiritual :

176. ‘ But if, even in that situation, he find
‘ such protection a cause of evil, let him alone,
‘ though weak, wage vigorous war without fear.

177. ‘ By all these expedien’s let a politick
‘ prince act with such wisdom, that neither allies,
‘ neutral powers, nor foes, may gain over him
‘ any great advantage.

178. ‘ Perfectly let him consider the state of
‘ his kingdom both actually present and proba-
‘ bly future, with the good and bad parts of all his
‘ actions :

179. ‘ That king shall never be overcome by
‘ his enemies, who foresees the good and evil to
‘ ensue from his measures; who, on present oc-
‘ casions, takes his resolution with prudent speed,
‘ and who weighs the various events of his past
‘ conduct.

180. ‘ Let him so arrange all his affairs, that no
‘ ally, neutral prince, or enemy, may obtain any
‘ advantage over him: this, in few words, is the
‘ sum of political wisdom.

181. ‘ WHEN the king begins his march

‘ against the domains of his foe, let him gradually
 ‘ advance, in the following manner, against the
 ‘ hostile metropolis.

182. ‘ Let him set out on his expedition in the
 ‘ fine month of *Mārgasīrṣha*, or about the month
 ‘ of *Phālguna* and *Chaitra*, according to the
 ‘ number of his forces, that he may find autum-
 ‘ nal or vernal crops in the country invaded by
 ‘ him:

183. ‘ Even in other seasons, when he has a
 ‘ clear prospect of victory, and when any disaster
 ‘ has befallen his foe, let him advance with the
 ‘ greater part of his army.

184. ‘ Having made a due arrangement of
 ‘ affairs in his own dominions, and a disposition
 ‘ fit for his enterprize, having provided all things
 ‘ necessary for his continuance in the foreign
 ‘ realm, and having seen all his spies dispatched
 ‘ with propriety,

185. ‘ Having secured the three sort of ways,
 ‘ over water, on plains, and through forests, and
 ‘ placed his sixfold army, *elephants, cavalry, cars,*
 ‘ *infantry, officers, and attendants*, in complete
 ‘ military form, let him proceed by fit journies
 ‘ toward the metropolis of his enemy.

186. ‘ Let him be much on his guard against
 ‘ every secret friend in the service of the hostile
 ‘ prince; and against emissaries, who go and re-

‘ turn ; for in such friends he may find very
 ‘ dangerous foes.

187. ‘ On his march let him form his troops,
 ‘ either like a staff, *or in an even column* ; like a
 ‘ wain, *or in a wedge with the apex foremost* ; like
 ‘ a boar, *or in a rhomb with the van and rear*
 ‘ narrow and the centre broad ; like a *Macara* or
 ‘ sea monster, that is, in a double triangle with
 ‘ apices joined ; like a needle, *or in a long line* ; or
 ‘ like the bird of VISHNU, *that is, in a rhomboid*
 ‘ with the wings far extended :

188. ‘ From whatever side he apprehends
 ‘ danger, to that side let him extend his troops ;
 ‘ and let him always conceal himself in the midst
 ‘ of a squadron formed like a lotos flower.

189. ‘ Let him cause his generals and the
 ‘ chief commander *under himself* to act in all
 ‘ quarters ; and from whatever side he perceives
 ‘ a design of attacking him, to that side let him
 ‘ turn his front.

190. ‘ On all sides let him station troops of
 ‘ soldiers, in whom he confides, distinguished by
 ‘ known *colours and other* marks ; who are ex-
 ‘ cellent both in sustaining a charge and in
 ‘ charging, who are fearless and incapable of de-
 ‘ fection.

191. ‘ Let him at his pleasure order a few
 ‘ men to engage in a close phalanx, or a large

‘ number of warriors in those ranks; and, having
 ‘ formed them in *a long line like a needle*, or in
 ‘ *three divisions like a thunderbolt*, let him give
 ‘ orders for battle.

192. ‘ On a plain, let him fight with his
 ‘ armed cars and horses; on watery places, with
 ‘ manned boats and elephants; on ground full
 ‘ of trees and shrubs, with bows; on cleared
 ‘ ground, with swords and targets, and *other*
 ‘ weapons.

193. ‘ Men born in *Carucshetra*, near *Indraprestha*, in *Matsya*, or *Virata*, in *Panchala* or
 ‘ *Canyacubja*, and in *Surasena*, in the district of
 ‘ *Mat'hura*, let him cause to engage in the van;
 ‘ and men, *born in other countries*, who are tall
 ‘ and light.

194. ‘ Let him, when he has formed his
 ‘ troops in array, encourage them *with short ani-*
 ‘ *mated speeches*; and then, let him try them
 ‘ completely: let him know likewise, how his
 ‘ men severally exert themselves, while they
 ‘ charge the foe.

195. ‘ If he block up his enemy, let him sit
 ‘ encamped, and lay waste the hostile country;
 ‘ let him continually spoil the grass, water, and
 ‘ wood of the adverse prince.

196. ‘ Pools, wells, and trenches let him de-
 ‘ stroy: let him harass the foe by day, and alarm
 ‘ him by night.

197. ‘ Let him secretly bring over to his party
‘ all such *leaders* as he can safely bring over;
‘ let him be informed of all, that his enemies
‘ are doing; and, when a fortunate moment is
‘ offered by heaven, let him give battle, pushing
‘ on to conquest and abandoning fear :

198. ‘ Yet he should be more sedulous to re-
‘ duce his enemy by negotiation, by well applied
‘ gifts, and by creating divisions, using either all
‘ or some of those methods, than by hazarding at
‘ any time a decisive action,

199. ‘ Since victory or defeat are not surely
‘ foreseen on either side, when two armies en-
‘ gage in the field : let the king then, *if other ex-*
‘ *pedients prevail*, avoid a pitched battle ;

200. ‘ But should there be no means of ap-
‘ plying the three *beforementioned* expedients, let
‘ him, after due preparation, fight so valiantly,
‘ that his enemy may be totally routed.

201. ‘ HAVING conquered a country, let him
‘ respect the deities adored in it, and their virtu-
‘ ous priests ; let him also distribute largesses *to*
‘ *the people*, and cause a full exemption from ter-
‘ rour to be loudly proclaimed.

202. ‘ When he has perfectly ascertained
‘ the conduct and intentions of all the van-
‘ quished, let him fix in that country a prince
‘ of the royal race, and give him precise in-
‘ structions.

203. ‘ Let him establish the laws of the conquered nation as declared *in their books* ; and
‘ let him gratify the new prince with gems *and*
‘ *other precious gifts*.

204. ‘ The seizure of desirable property,
‘ though it cause hatred, and the donation of it,
‘ though it cause love, may be laudable or blame-
‘ able on different occasions :

205. ‘ All this *conduct of human affairs* is con-
‘ sidered as dependent on acts ascribed to the deity,
‘ and on acts ascribed to men ; now the operations
‘ of the deity cannot be known by any intense-
‘ ness of thought, but those of men may be clearly
‘ discovered.

206. ‘ Or the victor, considering an ally, ter-
‘ ritory, and wealth as the triple fruit of con-
‘ quest, may form an alliance with the vanquish-
‘ ed prince, and proceed in union with him,
‘ using diligent circumspection.

207. ‘ He should pay due attention to the
‘ prince, who supported his cause, and to
‘ any other prince in the circumjacent region,
‘ who checked that supporter, so that, both from
‘ a well-wisher and from an opponent, he may
‘ secure the fruit of his expedition.

208. ‘ By gaining wealth and territory a
‘ king acquires not so great an increase
‘ of strength, as by obtaining a firm ally,

‘ who, though weak, may hereafter be powerful.

209. ‘ That ally, though feeble, is highly estimable, who knows the whole extent of his duties, who gratefully remembers benefits, whose people are satisfied, *or, who has a gentle nature,* who loves his friend, and perseveres in his good resolutions.

210. ‘ Him have the sages declared an enemy hard to be subdued, who is eminently learned, of a noble race, personally brave, dextrous in management, liberal, grateful, and firm.

211. ‘ Goodnature, knowledge of mankind, valour, benignity of heart, and incessant liberality, are the assemblage of virtues, which adorn a neutral prince, *whose amity must be courted.*

212. ‘ Even a salubrious and fertile country, where cattle continually increase, let a king abandon without hesitation for the sake of preserving himself:

213. ‘ Against misfortune, let him preserve his wealth; at the expence of his wealth, let him preserve his wife; but let him at all events preserve himself even at the hazard of his wife and his riches.

214. ‘ A wise prince, who finds every sort of calamity rushing violently upon him, should

‘ have recourse to all just expedients, united or
‘ separate:

215. ‘ Let him consider the business to be
‘ expedited, the expedients collectively, and
‘ himself who must apply them; and, taking re-
‘ fuge completely in those three, let him strenu-
‘ ously labour for his own prosperity.

216. ‘ HAVING consulted with his mi-
‘ nisters, in the manner before prescribed, on
‘ all this *mass of publick affairs*; having used ex-
‘ ercise *becoming a warrior*, and having bathed
‘ *after it*, let the king enter at noon his pri-
‘ vate apartments for the purpose of taking
‘ food.

217. ‘ There let him eat lawful aliment, pre-
‘ pared by servants attached to his person, who
‘ know the difference of times and are incapable
‘ of perfidy, after it has been proved innocent by
‘ *certain experiments*, and hallowed by texts of
‘ the *Vêda* repulsive of poison.

218. ‘ Together with all his food let him
‘ swallow such medical substances as resist
‘ venom; and let him constantly wear with
‘ attention such gems, as are known to repel
‘ it.

219. ‘ Let his females, well tried and atten-
‘ tive, their dress and ornaments having been
‘ examined, *lest some weapon should be concealed*

‘ *in them*, do him humble service with fans, water, and perfumes :

220. ‘ Thus let him take diligent care, when he goes out in a carriage or on horseback, when he lies down to rest, when he sits, when he takes food, when he bathes, anoints his body *with odorous essences*, and puts on all his habiliments.

221. ‘ After eating, let him divert himself with his women in the recesses of his palace; and, having idled a reasonable time, let him again think of publick affairs :

222. ‘ When he has dressed himself completely, let him once more review his armed men, with all their elephants, horses, and cars, their accoutrements, and weapons.

223. ‘ At sunset, having performed his religious duty, let him privately, but well armed, in his interior apartment, hear what has been done by his reporters and emissaries :

224. ‘ Then, having dismissed those informers, and returning to another secret chamber, let him go, attended by women, to the inmost recess of his mansion for the sake of his evening meal ;

225. ‘ There, having a second time eaten a little, and having been recreated with musical strains, let him take rest early, and rise refreshed from his labour.

226. ' THIS perfect system of rules let a
' king, free from illness, observe; but, when
' really afflicted with disease, he may intrust all
' these affairs to his officers.'

CHAPTER THE EIGHTH.

On Judicature ; and on Law, Private and Criminal.

1. ‘ A KING, desirous of inspecting judicial proceedings, must enter his court of justice, composed and sedate in his demeanour, together with *Bráhmens* and counsellors, who know how to give him advice :

2. ‘ There, either sitting or standing, holding forth his right arm, without ostentation in his dress and ornaments, let him examine the affairs of litigant parties.

3. ‘ Each day let him decide causes, one after another, under the eighteen *principal* titles of law, by arguments and rules drawn from local usages, and from written codes :

4. ‘ Of those *titles*, the first is debt, on loans for consumption ; *the second*, deposits, and loans for use ; *the third*, sale without ownership ; *the fourth*, concerns among partners ; *the fifth*, subtraction of what has been given ;

5. ‘ *The sixth*, nonpayment of wages or hire ;

‘ *the seventh*, nonperformance of agreements; *the eighth*, rescission of sale and purchase; *the ninth*, disputes between master and servant;

6. ‘ *The tenth*, contests on boundaries; *the eleventh and twelfth*, assault and slander; *the thirteenth*, larceny; *the fourteenth*, robbery and other violence; *the fifteenth*, adultery;

7. ‘ *The sixteenth*, altercation between man and wife, and their several duties; *the seventeenth*, the law of inheritance; *the eighteenth*, gaming with dice and with living creatures: these eighteen titles of law are settled as the groundwork of all judicial procedure in this world.

8. ‘ Among men, who contend for the most part on the titles just mentioned, *and on a few miscellaneous heads not comprised under them*, let the king decide causes justly, observing primeval law;

9. ‘ But, when he cannot inspect such affairs in person, let him appoint, for the inspection of them, a *Brábmén* of eminent learning:

10. ‘ Let that chief judge, accompanied by three assessors, fully consider all causes brought before the king, and having entered the courtroom, let him sit or stand, *but not move backwards and forwards*.

11. ‘ In whatever country three *Brábméns*, particularly skilled in the three several *Védas*,

‘ fit together with the very learned *Brábmén* appointed by the king, the wise call that *assembly* the court of BRAHMA’ *with four faces*.

12. ‘ WHEN justice, having been wounded by iniquity, approaches the court, and the judges extract not the dart, they also shall be wounded by it.

13. ‘ Either the court must not be entered by judges, parties, and witnesses, or law and truth must be openly declared: that man is criminal, who either says nothing, or says what is false or unjust.

14. ‘ Where justice is destroyed by iniquity, and truth by false evidence, the judges, who basely look on *without giving redress*, shall also be destroyed.

15. ‘ Justice, being destroyed, will destroy; being preserved, will preserve: it must never, therefore, be violated. “Beware, *O judge*, lest justice, being overturned, overturn both us and thyself.”

16. ‘ The divine form of justice is represented as *Vṛiṣha*, or a bull, and the gods consider him, who violates justice, as a *Vṛiṣhala*, or one who slays a bull: let the king, therefore, and his judges beware of violating justice.

17. ‘ The only firm friend, who follows men even after death, is justice: all others are extinct with the body.

18. ‘ Of injustice *in decisions*, one quarter falls
‘ on the party in the cause; one quarter, on his
‘ witnesses; one quarter, on all the judges; and
‘ one quarter on the king;

19. ‘ But where he, who deserves condemna-
‘ tion, shall be condemned, the king is guiltless,
‘ and the judges free from blame: an evil deed
‘ shall recoil on him, who committed it.

20. ‘ A *Brábmén* supported only by his class,
‘ and one barely reputed a *Brábmén*, but without
‘ performing any sacerdotal acts, may, at the
‘ king’s pleasure, interpret the law to him: *so*
‘ *may the two middle classes*; but a *Súdra*, in no
‘ case whatever.

21. ‘ Of that king, who stupidly looks on,
‘ while a *Súdra* decides causes, the kingdom it-
‘ self shall be embarrassed, like a cow in deep
‘ mire.

22. ‘ The whole territory, which is inhabited
‘ by a number of *Súdras*, overwhelmed with
‘ atheists, and deprived of *Brábmens*, must
‘ speedily perish afflicted with dearth and dis-
‘ ease.

23. ‘ LET the king *or his judge*, having feat-
‘ ed himself on the bench, his body properly
‘ clothed and his mind attentively fixed, begin
‘ with doing reverence to the deities, who guard
‘ the world; and then let him enter on the trial
‘ of causes:

24. ‘ Understanding what is expedient or in-
 ‘ expedient, but considering only what is law or
 ‘ not law, let him examine all disputes between
 ‘ parties, in the order of their several classes.

25. ‘ By external signs let him see through
 ‘ the thoughts of men ; by their voice, colour,
 ‘ countenance, limbs, eyes, and action :

26. ‘ From the limbs, the look, the motion of
 ‘ the body, the gesticulation, the speech, the
 ‘ changes of the eye and the face, are disco-
 ‘ vered the internal workings of the mind.

27. ‘ THE property of a student and of an
 ‘ infant, whether by descent or otherwise, let the
 ‘ king hold in his custody, until the owner shall
 ‘ have ended his studentship, or until his infancy
 ‘ shall have ceased *in his sixteenth year* :

28. ‘ Equal care must be taken of barren wo-
 ‘ men, of women without sons, *whose husbands*
 ‘ *have married other wives*, of women without
 ‘ kindred, or whose husbands are in distant
 ‘ places, of widows true to their lords, and of
 ‘ women afflicted with illness.

29. ‘ Such kinsmen, as, *by any pretence*, ap-
 ‘ propriate the fortunes of women during their
 ‘ lives, a just king must punish with the severity
 ‘ due to thieves.

30. ‘ Three years let the king detain the pro-
 ‘ perty of which no owner appears, *after a dis-*
 ‘ *tinct proclamation* : the owner, appearing within

‘ the three years, may take it; but, after that
‘ term, the king may confiscate it.

31. ‘ He, who says “ This is mine,” must
‘ be duly examined; and if, *before he inspect it*,
‘ he declare its form, number, and other circum-
‘ stances, the owner must have his property ;

32. ‘ But, if he show not at what place and
‘ time it was lost, and specify not its colour,
‘ shape, and dimensions, he ought to be
‘ amerced :

33. ‘ The king may take a sixth part of the
‘ property so detained by him, or a tenth, or a
‘ twelfth, remembering the duty of good kings.

34. ‘ Property lost *by one man*, and found *by*
‘ *another*, let the king secure, by committing it
‘ to the care of trustworthy men; and those
‘ whom he shall convict of stealing it, let him
‘ cause to be trampled on by an elephant.

35. ‘ From the man, who shall say with
‘ truth, “ This property, which has been kept,
‘ belongs to me,” the king may take a sixth or
‘ twelfth part, *for having secured it*;

36. ‘ But he, who shall say so falsely, may be
‘ fined either an eighth part of his own property,
‘ or else in some small proportion to the value of
‘ the goods falsely claimed, a just calculation
‘ having been made.

37. ‘ A learned *Brábmén*, having found a
‘ treasure formerly hidden, may take it with-

‘ out any deduction; since he is the lord of
 ‘ all;

38. ‘ But of a treasure anciently repositied un-
 ‘ der ground, which *any other subject* or the king
 ‘ has discovered, the king may lay up half in
 ‘ his treasury, having given half to the *Bráb-*
 ‘ *mens*.

39. ‘ Of old hoards, and precious minerals
 ‘ in the earth, the king is entitled to half by
 ‘ reason of his general protection, and because he
 ‘ is the lord paramount of the soil.

40. ‘ To men of all classes, the king must re-
 ‘ store their property, which robbers have
 ‘ seized; since a king, who takes it for himself,
 ‘ incurs the guilt of a robber.

41. ‘ A king, who knows the revealed law,
 ‘ must enquire into the particular laws of classes,
 ‘ the laws *or usages* of districts, the customs of
 ‘ traders, and the rules of certain families, and
 ‘ establish their peculiar laws, *if they be not repug-*
 ‘ *nant to the law of God*;

42. ‘ Since all men, who mind their own cus-
 ‘ tomary ways of proceeding, and are fixed in
 ‘ the discharge of their several duties, become
 ‘ united by affection with the people at large,
 ‘ even though they dwell far asunder.

43. ‘ Neither the king himself nor his officers
 ‘ must ever promote litigation; nor ever neglect
 ‘ a lawsuit instituted by others.

44. ' As a hunter traces the lair of a *wounded*
' beast by the drops of blood ; thus let a king
' investigate the true point of justice by delibe-
' rate arguments :

45. ' Let him fully consider the nature of
' truth, the state of the case, and his own person ;
' and, next, the witnesses, the place, the mode,
' and the time ; firmly adhering to all the rules
' of practice :

46. ' What has been practised by good men
' and by virtuous *Bráhmens*, if it be not incon-
' sistent with the legal customs of provinces or
' districts, of classes and families, let him esta-
' blish.

47. ' WHEN a creditor sues before him for
' the recovery of his right from a debtor, let him
' cause the debtor to pay what the creditor shall
' prove due.

48. ' By whatever lawful means a creditor
' may have gotten possession of his own pro-
' perty, let the king ratify such payment by the
' debtor, though obtained even by compulsory
' means :

49. ' By the mediation of friends, by suit in
' court, by artful management, or by distress, a
' creditor may recover the property lent ; and,
' fifthly, by legal force.

50. ' That creditor, who recovers his right

‘ from his debtor, must not be rebuked by the
 ‘ king for retaking his own property.

51. ‘ In a suit for a debt, which the defendant
 ‘ denies, let him award payment to the creditor
 ‘ of what, by good evidence, he shall prove due,
 ‘ and exact a small fine, *according to the circum-*
 ‘ *stances of the debtor.*

52. ‘ On the denial of a debt, which the de-
 ‘ fendant has in court been required to pay, the
 ‘ plaintiff must call a witness who was present at
 ‘ the place of the loan, or produce other evidence,
 ‘ *as a note and the like.*

53. ‘ The plaintiff, who calls a witness not
 ‘ present at the place, *where the contract was*
 ‘ *made*, or, having knowingly called him, dis-
 ‘ claims him as his witness; or who perceives
 ‘ not, that he asserts confused and contradictory
 ‘ facts;

54. ‘ Or who, having stated what he designs
 ‘ to prove, varies afterwards from his case; or
 ‘ who, being questioned on a fact, which he had
 ‘ before admitted, refuses to acknowledge that
 ‘ very fact;

55. ‘ Or who has conversed with the witnesses
 ‘ in a place unfit for such conversation; or who
 ‘ declines answering a question properly put;
 ‘ or who departs from the court;

56. ‘ Or who, being ordered to speak, stands
 ‘ mute; or who proves not what he has alledged;

‘ or who knows not what is capable or incapable
‘ of proof; *such a plaintiff* shall fail in that suit.

57. ‘ Him, who has said, “ I have witnesses,”
‘ and, being told to produce them, produces them
‘ not, the judge must on this account declare non-
‘ suited.

58. ‘ If the plaintiff delay to put in his plaint,
‘ he may, *according to the nature of the case*, be
‘ corporally punished or justly amerced; and, if
‘ the defendant plead not within three fort-
‘ nights, he is by law condemned.

59. ‘ In the double of that sum, which the
‘ defendant falsely denies, or on which the com-
‘ plainant falsely declares, shall those two men,
‘ wilfully offending against justice, be fined by
‘ the king.

60. ‘ When a man has been brought into
‘ court by a suitor for property, and, being called
‘ on to answer, denies the debt, the cause should
‘ be decided by the *Bráhmén* who represents the
‘ king, having heard three witnesses at least.

61. ‘ WHAT sort of witnesses must be pro-
‘ duced by creditors *and others* on the trial of
‘ causes, I will comprehensively declare; and in
‘ what manner those witnesses must give true
‘ evidence.

62. ‘ Married housekeepers, men with male
‘ issue, inhabitants of the same district, either of
‘ the military, the commercial, or the servile

‘ class, are competent, when called by the party,
 ‘ to give their evidence; not any persons indif-
 ‘ criminate, except in *such* cases of urgency as
 ‘ will soon be mentioned.

63. ‘ Just and sensible men of all the *four*
 ‘ classes may be witnesses on trials; men, who know
 ‘ their whole duty, and are free from covetous-
 ‘ nefs: but men of an opposite character the
 ‘ judge must reject.

64. ‘ Those must not be admitted who have
 ‘ a pecuniary interest; nor familiar friends; nor
 ‘ menial servants; nor enemies; nor men for-
 ‘ merly perjured; nor persons grievously dis-
 ‘ eased; nor those, who have committed heinous
 ‘ offences.

65. ‘ The king cannot be made a witness; nor
 ‘ *cooks, and the like* mean artificers; nor publick
 ‘ dancers and singers; nor a priest of deep learn-
 ‘ ing in scripture; nor a student in theology;
 ‘ nor an anchoret secluded from all worldly con-
 ‘ nexions;

66. ‘ Nor one wholly dependent; nor one of
 ‘ bad fame; nor one, who follows a cruel occu-
 ‘ pation; nor one, who acts openly against the
 ‘ law; nor a decrepit old man; nor a child;
 ‘ nor one man only, *unless he be distinguished*
 ‘ *for virtue*; nor a wretch of the lowest mixed
 ‘ class; nor one, who has lost the organs of
 ‘ sense;

67. ' Nor one extremely grieved; nor one
' intoxicated; nor a madman; nor one tormented
' with hunger or thirst; nor one oppressed by
' fatigue; nor one excited by lust; nor one in-
' flamed by wrath; nor one who has been con-
' victed of theft.

68. ' Women should regularly be witnesses for
' women; twiceborn men, for men alike twice-
' born; good servants and mechanicks, for ser-
' vants and mechanicks; and those of the lowest
' race, for those of the lowest;

69. ' But any person whatever, who has po-
' sitive knowledge of *transactions* in the private
' apartments of a house, or in a forest, or at a
' time of death, may give evidence between the
' parties:

70. ' On failure of *witnesses duly qualified*,
' evidence may *in such cases* be given by a wo-
' man, by a child, or by an aged man, by a pu-
' pil, by a kinsman, by a slave, or by a hired
' servant;

71. ' Yet of children, of old men, and of the
' diseased, who are all apt to speak untruly, the
' judge must consider the testimony as weak;
' and, *much more*, that of men with disordered
' minds:

72. ' In all cases of violence, of theft and adul-
' tery, of defamation and assault, he must not

‘ examine too strictly the competence of witnesses.

73. ‘ If there be contradictory evidence, let the king decide by the plurality of credible witnesses ; if equality in number, by superiority in virtue; if parity in virtue, by the testimony of such twiceborn men, as have best performed publick duties.

74. ‘ Evidence of what has been seen, or of what has been heard, *as slander and the like*, given by those who saw or heard it, is admissible; and a witness, who speaks truth in those cases, neither deviates from virtue nor loses his wealth :

75. ‘ But a witness, who knowingly says any thing, before an assembly of good men, different from what he had seen or heard, shall fall headlong, after death, into a region of horreur, and be debarred from heaven.

76. ‘ When a man sees or hears any thing, without being then called upon to attest it, yet, if he be *afterwards* examined as a witness, he must declare it, exactly as *it was* seen, and as *it was* heard.

77. ‘ One man, untainted with covetousness and other vices, may in some cases be the sole witness, and will have more weight than many women because female understandings are apt

‘ to waver; or than many other men, who have
 ‘ been tarnished with crimes.

78. ‘ What witnesses declare naturally, *or*
 ‘ *without bias*, must be received on trials; but
 ‘ what they improperly say, from some unna-
 ‘ tural bent, is inapplicable to the purposes of
 ‘ justice.

79. ‘ THE witnesses being assembled in the
 ‘ middle of the courtroom, in the presence of the
 ‘ plaintiff and the defendant, let the judge ex-
 ‘ amine them, after having addressed them *all*
 ‘ together in the following manner:

80. “ What ye know to have been trans-
 “ acted in the matter before us, between the
 “ parties reciprocally, declare at large and with
 “ truth; for your evidence in this cause is re-
 “ quired.”

81. ‘ A witness, who gives testimony with
 ‘ truth, shall attain exalted seats of beatitude
 ‘ above, and the highest fame here below: such
 ‘ testimony is revered by BRAHMA’ himself.

82. ‘ The witness, who speaks falsely, shall be
 ‘ fast bound *under water*, in the *snaky* cords of
 ‘ VARUNA, and be wholly deprived of power
 ‘ to escape torment during a hundred transmigra-
 ‘ tions; let mankind, therefore, give no false tes-
 ‘ timony.

83. ‘ By truth is a witness cleared from sin;
 ‘ by truth is justice advanced: truth must,

‘ therefore, be spoken by witnesses of every
‘ class.

84. ‘ The soul itself is its own witness; the
‘ soul itself is its own refuge: offend not thy
‘ conscious soul, the supreme internal witness of
‘ men!

85. ‘ The sinful have said in their hearts:
“ None sees us.” Yes; the gods distinctly see
‘ them; and so does the spirit within their
‘ breasts.

86. ‘ The guardian deities of the firmament,
‘ of the earth, of the waters, of the human heart,
‘ of the moon, of the sun, and of fire, of punish-
‘ ment after death, of the winds, of night, of both
‘ twilights, and of justice, perfectly know the
‘ state of all spirits clothed with bodies.

87. ‘ In the forenoon let the judge, being pu-
‘ rified, severally call on the twiceborn, being
‘ purified also, to declare the truth, in the pre-
‘ sence of *some image a symbol* of the divinity,
‘ and of *Bráhmens*, while the witnesses turn their
‘ faces either to the north or to the east.

88. ‘ To a *Bráhmen* he must begin with say-
‘ ing, “ Declare;” to a *Cshatriya*, with saying,
‘ “ Declare the truth;” to a *Vaisya*, with com-
‘ paring perjury to the crime of stealing kine,
‘ grain, or gold; to a *Súdra*, with comparing it
‘ *in some or all of the following sentences*, to every
‘ crime, that men can commit.

89. “ **WHATEVER** places of torture have
“ been prepared for the slayer of a priest, for the
“ murderer of a woman or of a child, for the in-
“ jurer of a friend, and for an ungrateful man,
“ those places are ordained for a witness, who
“ gives false evidence.

90. “ The fruit of every virtuous act, which
“ thou hast done, O good man, since thy birth,
“ shall depart from thee to dogs, if thou deviate
“ in speech from the truth.

91. “ O friend to virtue, that supreme spirit,
“ which thou believest one and the same with thy-
“ self, resides in thy bosom perpetually, and is an
“ allknowing inspector of thy goodness or of thy
“ wickedness.

92. “ If thou beest not at variance, by *speaking*
“ *falsely*, with YAMA, or the subduer of all,
“ with VAIVASWATA, or the punisher, with
“ that great divinity, who dwells in thy breast, go
“ not *on a pilgrimage* to the river Gangà, nor to
“ the plains of CURU, *for thou hast no need of*
“ *expiation*.

93. “ Naked and shorn, tormented with
“ hunger and thirst, and deprived of sight, shall
“ the man, who gives false evidence, go with a
“ potsherd to beg food at the door of his enemy.

94. “ Headlong, in utter darkness, shall the
“ impious wretch tumble into hell, who, being
“ interrogated in a judicial inquiry, answers one
“ question falsely.

95. “ He, who in a court of justice gives an
 “ imperfect account of any transaction, or asserts
 “ a fact of which he was no eyewitness, shall re-
 “ ceive pain *instead of pleasure*, and resemble a
 “ man, who eats fish *with eagerness* and swallows
 “ the sharp bones.

96. “ The gods are acquainted with no better
 “ mortal in this world, than the man, of whom
 “ the intelligent spirit, which pervades his body,
 “ has no distrust, when he prepares to give evi-
 “ dence.

97. “ Hear, honest man, from a just enume-
 “ ration in order, how many kinsmen, in evi-
 “ dence of different sorts, a false witness kills, *or*
 “ *incurs the guilt of killing*:

98. “ He kills five by false testimony concern-
 “ ing cattle in general ; he kills ten by false tes-
 “ timony concerning kine ; he kills a hundred
 “ by false evidence concerning horses, and a thou-
 “ sand by false evidence concerning the human
 “ race :

99. “ By speaking falsely in a cause concern-
 “ ing gold, he kills the born and the unborn ; by
 “ speaking falsely concerning land, he kills every
 “ thing animated : beware then of speaking falsely
 “ in a cause concerning land !

100. “ The sages have held false evidence
 “ concerning water, and the possession or enjoy-
 “ ment of women, equal to false evidence con-
 “ cerning land ; and it is equally criminal in

“ causes concerning *pearls and other* precious
 “ things formed in water, and concerning all
 “ things made of stone.

101. “ Marking well all the murders, which
 “ are comprehended in the crime of perjury, de-
 “ clare thou the whole truth with precision, as *it*
 “ *was* heard, and as *it was* seen by thee.”

102. ‘ *Bráhmens*, who tend herds of cattle,
 ‘ who trade, who practise mechanical arts, who
 ‘ profess dancing and singing, who are hired
 ‘ servants or usurers, let the judge exhort and
 ‘ examine as if they were *Súdras*.

103. ‘ In some cases, a giver of false evi-
 ‘ dence from a pious motive, even though he
 ‘ know the truth, shall not lose a seat in heaven:
 ‘ such evidence wise men call the speech of the
 ‘ gods.

104. ‘ Whenever the death of a man, *who*
 ‘ *had not been a grievous offender*, either of the
 ‘ servile, the commercial, the military, or the sa-
 ‘ cerdotal, class, would be occasioned by true evi-
 ‘ dence, *from the known rigour of the king, even*
 ‘ *though the fault arose from inadvertence or error*,
 ‘ falsehood may be spoken : it is even preferable
 ‘ to truth.

105. ‘ Such *witnesses* must offer, as oblations to
 ‘ SARASWATÍ, cakes of rice and milk addressed
 ‘ to the goddesses of speech ; and thus will they

‘ fully expiate that venial sin of benevolent falsehood :
 ‘ hood :

106. ‘ Or such a *witness* may pour clarified
 ‘ butter into the holy fire, according to the sacred
 ‘ rule, hallowing it with the texts called
 ‘ *cūṣhmāndā*, or with those which relate to VĀ-
 ‘ RUNA, beginning with *ud*; or with the three
 ‘ texts appropriated to the water-gods.

107. ‘ A MAN, who labours not under illness,
 ‘ yet comes not to give evidence in cases of loans
 ‘ and the like, within three fortnights *after due*
 ‘ *summons*, shall take upon himself the whole
 ‘ debt, and pay a tenth part of it as a fine *to the*
 ‘ *king*.

108. ‘ The witness, who has given evidence,
 ‘ and to whom, within seven days after, a *misfortune*
 ‘ happens *from* disease, fire, or the death of
 ‘ a kinsman, shall be condemned to pay the debt
 ‘ and a fine.

109. ‘ IN cases, where no witness can be had,
 ‘ between two parties opposing each other, the
 ‘ judge may acquire a knowledge of the truth by
 ‘ the oath of the parties ; or if he cannot *otherwise*
 ‘ perfectly ascertain it.

110. ‘ By the *seven* great *Rīshis*, and by the
 ‘ deities themselves, have oaths been taken for
 ‘ the purpose of judicial proof; and even VĀ-
 ‘ ŚIŠHT’HA, being accused by VIŠWA’MITRA of

murder, took an oath before the king SUDA'-
 ' MAN, son of PIYAVANA.

111. ' Let no man of sense take an oath in
 ' vain, *that is, not in a court of justice*, on a trifling
 ' occasion ; for the man, who takes an oath in
 ' vain, shall be punished in this life and in the
 ' next :

112. ' To women, however, at a time of dal-
 ' liance, or on a proposal of marriage, in the
 ' case of grass or fruit eaten by a cow, of wood
 ' taken for a sacrifice, or of a promise made for
 ' the preservation of a *Bráhmén*, it is no deadly
 ' sin to take a light oath.

113. ' Let the judge cause a priest to swear
 ' by his veracity ; a soldier, by his horse, or ele-
 ' phant, and his weapons ; a merchant, by his
 ' kine, grain, and gold ; a mechanick or servile
 ' man, by *imprecating on his own head, if he*
 ' *speak falsely*, all possible crimes ;

114. ' Or, *on great occasions*, let him cause the
 ' party to hold fire, or to dive under water, or
 ' severally to touch the heads of his children and
 ' wife :

115. ' He, whom the blazing fire burns not,
 ' whom the water soon forces not up, or who
 ' meets with no speedy misfortune, must be held
 ' veracious in his testimony on oath.

116. ' Of the sage VATSA, whom his younger

‘ *half* brother formerly attacked, as *the son of a*
 ‘ *servile woman*, the fire, which pervades the
 ‘ world, burned not even a hair, by reason of his
 ‘ perfect veracity.

117. ‘ WHENEVER false evidence has been
 ‘ given in any suit, the king must reverse the
 ‘ judgment ; and whatever has been done, must
 ‘ be considered as undone.

118. ‘ Evidence, given from covetousness,
 ‘ from distraction of mind, from terrour, from
 ‘ friendship, from lust, from wrath, from igno-
 ‘ rance, and from inattention, must be held in-
 ‘ valid.

119. ‘ THE distinctions of punishment for a
 ‘ false witness, from either of those motives, I
 ‘ will now propound fully and in order:

120. ‘ If he speak falsely through covetous-
 ‘ ness, he shall be fined a thousand *panas* ; if
 ‘ through distraction of mind, *two hundred and*
 ‘ *fifty*, or the lowest amercement ; if through ter-
 ‘ rour, two mean amercements ; if through
 ‘ friendship, four times the lowest ;

121. ‘ If through lust, ten times the lowest
 ‘ amercement ; if through wrath, three times
 ‘ the next, or *middlemost* ; if through ignorance,
 ‘ two hundred complete ; if through inatten-
 ‘ tion, a hundred only.

122. ‘ Learned men have specified these pu-

‘ nishments, *which were* ordained by sage legisla-
‘ tors for perjured witnesses, with a view to pre-
‘ vent a failure of justice and to restrain iniquity.

123. ‘ Let a just prince banish men of the
‘ three *lower* classes, if they give false evidence,
‘ having first levied the fine; but a *Bráhmén* let
‘ him only banish.

124. ‘ MENU, son of the Selfexistent, has
‘ named ten places of punishment, which are ap-
‘ propriated to the three *lower* classes; but a
‘ *Bráhmén* must depart from the realm unhurt in
‘ *any one of them*:

125. ‘ The part of generation, the belly, the
‘ tongue, the two hands, and, fifthly, the two
‘ feet, the eye, the nose, both ears, the property,
‘ and, *in a capital case*, the whole body.

126. ‘ Let the king, having considered and
‘ ascertained the frequency of a similar offence,
‘ the place and time, the ability of the criminal
‘ *to pay or suffer*, and the crime itself, cause pu-
‘ nishment to fall on those alone, who deserve it.

127. ‘ Unjust punishment destroys reputation
‘ during life, and fame after death; it even ob-
‘ structs, in the next life, the path to heaven: un-
‘ just punishment, therefore, let the king by all
‘ means avoid.

128. ‘ A king, who inflicts punishment on
‘ such as deserve it not, and inflicts no punish-
‘ ment on such as deserve it, brings infamy on

‘ himself, while he lives, and shall sink, when he
 ‘ dies, to a region of torment.

129. ‘ First, let him punish by gentle admo-
 ‘ nition ; afterwards, by harsh reproof ; thirdly,
 ‘ by deprivation of property ; after that, by cor-
 ‘ poral pain :

130. ‘ But, when even by corporal punish-
 ‘ ment he cannot restrain such offenders, let
 ‘ him apply to them all the four modes with
 ‘ rigour.

131. ‘ THOSE names of copper, silver, and
 ‘ gold weights, which are commonly used among
 ‘ men, for the purpose of worldly business, I will
 ‘ now comprehensively explain.

132. ‘ The very small mote, which may be
 ‘ discerned in a sunbeam passing through a lat-
 ‘ tice, is the least visible quantity, and men call it
 ‘ *trasarènu* :

133. ‘ Eight of those *trasarènus* are supposed
 ‘ equal in weight to one minute poppyseed ;
 ‘ three of those seeds are equal to one black mus-
 ‘ tardseed ; and three of those last, to a white
 ‘ mustardseed :

134. ‘ Six white mustardseeds are equal to a
 ‘ middle sized barleycorn ; three such barleycorns
 ‘ to one *rac̣ticà*, or seed of the *Gunjà* ; five *rac-*
 ‘ *tiças* of gold are one *mášba*, and sixteen such
 ‘ *mášbas*, one *suverna* ;

135. ‘ Four *suvernas* make a *pala* ; ten *palas*,

‘ a *dharana*; but two *raśticas* of silver, weighed
 ‘ together, are considered as one *māśhaca*;

136. ‘ Sixteen of those *māśhacas* are a silver
 ‘ *dharana*, or *purāna*; but a *carśha*, or eighty *rac-*
 ‘ *ticas*, of copper, is called a *pana* or *cārśhāpana*.

137. ‘ Ten *dharanas* of silver are known by
 ‘ the name of a *śatamāna*; and the weight of four
 ‘ *suvernas* has also the appellation of a *niśhca*.

138. ‘ Now two hundred and fifty *panas* are
 ‘ declared to be the first or lowest amercement;
 ‘ five hundred of them are considered as the
 ‘ mean; and a thousand, as the highest.

139. ‘ A DEBT being admitted by the de-
 ‘ fendant, he must pay five in the hundred, as a
 ‘ fine to the king; but, if it be denied and proved,
 ‘ twice as much: this law was enacted by
 ‘ MENU.

140. ‘ A LENDER of money may take, in ad-
 ‘ dition to his capital, the interest allowed by
 ‘ VASISHT’HA, that is, an eightieth part of a
 ‘ hundred, or one and a quarter, by the month, if
 ‘ he have a pledge;

141. ‘ Or, if he have no pledge, he may take
 ‘ two in the hundred by the month, remember-
 ‘ ing the duty of good men: for, by thus taking
 ‘ two in the hundred, he becomes not a sinner for
 ‘ gain.

142. ‘ He may thus take, in proportion to the

* *rish*, and in the direct order of the classes, two
 ‘ in the hundred *from a priest*, three *from a sol-*
 ‘ *dier*, four *from a merchant*, and five *from a me-*
 ‘ *chanick*, or *servile man*, but never more, as in-
 ‘ terest by the month.

143. ‘ If he take a beneficial pledge, *or a pledge*
 ‘ *to be used for his profit*, he must have no other
 ‘ interest on the loan; nor, after a great length
 ‘ of time, *or when the profits have amounted to*
 ‘ *the debt*, can he give or sell such a pledge,
 ‘ *though he may assign it in pledge to another*.

144. ‘ A pledge *to be kept only* must not be
 ‘ used by force, *that s against consent*: the
 ‘ pawnee so using it must give up his whole in-
 ‘ terest, or must satisfy the pawner, *if it be spoiled*
 ‘ *or worn out*, by paying him the original price
 ‘ of it; otherwise, he commits a theft of the
 ‘ pawn.

145. ‘ Neither a pledge *without limit*, nor a
 ‘ deposit, are lost to the owner by lapse of time:
 ‘ they are both recoverable, though they have
 ‘ long remained with the bailee.

146. ‘ A milch cow, a camel, a riding horse,
 ‘ *a bull or other beast*, which has been sent to be
 ‘ tamed for labour, and other things used with
 ‘ friendly assent, are not lost, *by length of time to*
 ‘ the owner.

147. ‘ *In general*, whatever chattel the owner

‘ sees enjoyed by others for ten years, while,
 ‘ though present, he says nothing, that chattel he
 ‘ shall not recover :

148. ‘ If he be neither an idiot, nor an infant
 ‘ under the full age of fifteen years, and if the
 ‘ chattel be adversely possessed in a place, where
 ‘ he may see it, his property in it is extinct by
 ‘ law, and the adverse possessor shall keep it.

149. ‘ A pledge, a boundary of land, the pro-
 ‘ perty of an infant, a deposit either open or in
 ‘ a chest sealed, female slaves, the wealth of a
 ‘ king, and of a learned *Bráhmén*, are not lost in
 ‘ consequence of adverse enjoyment.

150. ‘ The fool, who secretly uses a pledge
 ‘ without, *though not against*, the assent of the
 ‘ owner, shall give up half of his interest, as a
 ‘ compensation for such use.

151. ‘ INTEREST on money, received at once,
 ‘ *not month by month, or day by day, as it ought*,
 ‘ must never be more than enough to double the
 ‘ debt, *that is, more than the amount of the princi-*
 ‘ *pal paid at the same time* : on grain, on fruit,
 ‘ on wool or hair, on beasts of burden, *lent to*
 ‘ *be paid in the same kind of equal value*, it must
 ‘ not be more than enough to make the debt
 ‘ quintuple.

152. ‘ Stipulated interest beyond the legal
 ‘ rate, and different from the *preceding rule*, is

‘ invalid; and the wise call it an usurious way of
‘ *lending*: the lender is entitled *at most* to five in
‘ the hundred.

153. ‘ Let no lender *for a month, or for two or*
‘ *three months, at a certain interest*, receive such
‘ interest beyond the year; nor any interest, which
‘ is unapproved; nor interest upon interest by
‘ *previous agreement*; nor monthly interest ex-
‘ ceeding in time the amount of the principal;
‘ nor interest exacted from a debtor *as the price of*
‘ *the risk, when there is no publick danger or dis-*
‘ *treffs*; nor immoderate profits from a pledge to
‘ be used by way of interest.

154. ‘ He, who cannot pay the debt *at the*
‘ *fixed time*, and wishes to renew the contract,
‘ may renew it in writing, *with the creditor’s*
‘ *assent*, if he pay all the interest then due;

155. ‘ But if, *by some unavoidable accident*, he
‘ cannot pay the whole interest, he may insert *as*
‘ *principal* in the renewed contract so much of
‘ the interest accrued as he ought to pay.

156. ‘ A lender at interest on *the risk of safe*
‘ carriage, who has agreed on the place and time,
‘ shall not receive such interest, if *by accident* the
‘ goods are not carried to the place, or within the
‘ time:

157. ‘ Whatever interest, *or price of the risk*,
‘ shall be settled *between the parties*, by men well

‘ acquainted with sea voyages or journies by
‘ land, with times and with places, such interest
‘ shall have legal force.

158. ‘ THE man, who becomes surety for the
‘ appearance of a debtor in this world, and pro-
‘ duces him not, shall pay the debt out of his
‘ own property ;

159. ‘ But money, due by a surety, or idly
‘ promised *to musicians and actresses*, or lost at play,
‘ or due for spirituous liquors, or what remains
‘ unpaid of a fine or toll, the son of the surety or
‘ debtor shall not *in general* be obliged to pay :

160. ‘ Such is the rule in cases of a surety for
‘ appearance *or good behaviour*; but, if a surety
‘ for payment should die, the judge may compel
‘ even his heirs to discharge the debt.

161. ‘ On what account then is it, that, after
‘ the death of a surety other than for payment,
‘ the creditor may *in one case* demand the debt
‘ of the heir, all the affairs of the deceased being
‘ known and proved?

162. ‘ If the surety had received money from
‘ the debtor, and had enough to pay the debt, the
‘ son of him, who so received it, shall discharge
‘ the debt out of his *inherited* property : this is
‘ a sacred ordinance.

163. ‘ A contract made by a person intoxicat-
‘ ed or insane, or grievously disordered, or wholly
‘ dependent, by an infant or a decrepit old man

‘ or *in the name of another* by a person without
 ‘ authority, is utterly null.

164. ‘ That plaint can have no effect, though
 ‘ it may be supported by evidence, which contains
 ‘ a cause of action inconsistent with positive law
 ‘ or with settled usage.

165. ‘ When the judge discovers a fraudulent
 ‘ pledge or sale, a fraudulent gift and acceptance,
 ‘ or in whatever other case he detects fraud, let
 ‘ him annul the whole transaction.

166. ‘ If the debtor be dead, and if the mo-
 ‘ ney borrowed was expended for the use of his
 ‘ family, it must be paid by that family, divided
 ‘ or undivided, out of their own estate.

167. ‘ Should even a slave make a contract
 ‘ *in the name of his absent master* for the behoof of
 ‘ the family, that master, whether in his own
 ‘ country or abroad, shall not rescind it.

168. ‘ What is given by force *to a man who*
 ‘ *cannot accept it legally*, what is by force en-
 ‘ joyed, by force caused to be written, and all
 ‘ other things done by force *or against free con-*
 ‘ *sent*, MENU has pronounced void.

169. ‘ Three are troubled by means of others,
 ‘ *namely* witnesses, sureties, and inspectors of
 ‘ causes, and four collect wealth slowly, with be-
 ‘ nefit to others, a *Bráhmén*, a moneylender, a
 ‘ merchant, and a king.

170. ‘ Let no king, how indigent soever,

‘ take any thing, which ought not to be taken;
 ‘ nor let him, how wealthy soever, decline taking
 ‘ that, which he ought to take, be it ever so
 ‘ small :

171. ‘ By taking what ought not to be taken,
 ‘ and by refusing what ought to be received, the
 ‘ king betrays his own weakness, and is lost both
 ‘ in this world and in the next;

172. ‘ But by taking his due, by administering
 ‘ justice, and by protecting the weak, the king
 ‘ augments his own force, and is exalted in the
 ‘ next world and in this.

173. ‘ Therefore, let the king, like YAMA,
 ‘ resigning what may be pleasing or unpleasing
 ‘ to himself, live by the strict rules of YAMA,
 ‘ his anger being repressed, and his organs kept
 ‘ in subjection.

174. ‘ That evilminded king, who, through
 ‘ infatuation, decides causes with injustice, his
 ‘ enemies, *through the disaffection of his people,*
 ‘ quickly reduce to a state of dependence ;

175. ‘ But him, who subduing both lust and
 ‘ wrath, examines causes with justice, his people
 ‘ naturally seek, as rivers the ocean.

176. ‘ THE debtor, who complains before the
 ‘ king, that his creditor has recovered the debt by
 ‘ his own legal act, *as beforementioned,* shall be
 ‘ compelled by the king to pay a quarter of the

‘ sum *as a fine*, and the creditor shall be left in
 ‘ possession of his own.

177. ‘ Even by personal labour shall the
 ‘ debtor pay what is adjudged, if he be of the
 ‘ same class with the creditor, or of a lower; but
 ‘ a debtor of a higher class must pay it *according*
 ‘ to his income by little and little.

178. ‘ By this system of rules let the king de-
 ‘ cide, with equal justice, all disputes between
 ‘ men opposing each other, having ascertained
 ‘ the truth by evidence or the oaths of the
 ‘ parties.

179. ‘ A SENSIBLE man should make a de-
 ‘ posit with some person of high birth, and of
 ‘ good morals, well acquainted with law, habi-
 ‘ tually veracious, having a large family, wealthy
 ‘ and venerable.

180. ‘ Whatever thing, and in whatever man-
 ‘ ner, a person shall deposit in the hands of an-
 ‘ other, the same thing, and in the same manner,
 ‘ ought to be received back by the owner: as
 ‘ the delivery *was*, so *must be* the receipt.

181. ‘ He, who restores not to the depositor,
 ‘ on his request, what has been deposited, may
 ‘ first be tried by the judge *in the following man-*
 ‘ *ner*, the depositor himself being absent.

182. ‘ On failure of witnesses, let the judge
 ‘ actually deposit gold, or *precious things*, with

‘ the defendant by the artful contrivance of spies,
‘ who have passed the age of childhood, and
‘ whose persons are engaging:

183. ‘ Should the defendant restore that de-
‘ posit in the manner and shape, in which it was
‘ bailed *by the spies*, there is nothing in his hands,
‘ for which others can justly accuse him ;

184. ‘ But if he restore not the gold, or *pre-
‘ cious things*, as he ought, to those emissaries,
‘ let him be apprehended and compelled to pay
‘ the value of both deposits: this is a settled rule.

185. ‘ A deposit, whether sealed up or not,
‘ should never be redelivered, while the depositor
‘ is alive, to his heir apparent or presumptive:
‘ both sorts of deposits, indeed, are extinct, *or
‘ cannot be demanded by the heir*, if the depositor
‘ die, *in that case*; but not, unless he die, *for,
‘ should the heir apparent keep them, the depositor
‘ himself may sue the bailee*:

186. ‘ But, if a depositary by his own free
‘ act shall deliver a deposit to the heir of a de-
‘ ceased bailor, he must not be harassed *with
‘ claims of a similar kind*, either by the king, or
‘ by that heir ;

187. ‘ And, *if similar claims be made*, the king
‘ must decide the questions after friendly admo-
‘ nition, *without having recourse to artifice* ; for,
‘ the honest disposition of the man being proved,
‘ the judge must proceed with mildness.

188. ‘ Such is the mode of ascertaining the
 ‘ right in all these cases of a deposit : in the case
 ‘ of a deposit sealed up, the bailee shall incur no
 ‘ censure *on the redelivery*, unless he have *altered*
 ‘ *the seal* or taken out something.

189. ‘ If a deposit be seized by thieves, *or de-*
 ‘ *stroyed by vermine*, or washed away by water,
 ‘ or consumed by fire, the bailee shall not be ob-
 ‘ liged to make it good, unless he took part of
 ‘ it for himself.

190. ‘ The defendant, who denies a deposit,
 ‘ and the plaintiff, who asserts it, let the king try
 ‘ by all sorts of expedients, and by the modes of
 ‘ ordeal prescribed in the *Véda*.

191. ‘ He, who restores not a thing really de-
 ‘ posited, and he, who demands what he never
 ‘ bailed, shall both, *for a second offence*, be pu-
 ‘ nished as thieves, *if gold, pearls, or the like be de-*
 ‘ *manded*; or, *in the case of a trifling demand*, shall
 ‘ pay a fine equal to the value of the thing claimed:

192. ‘ For the first offence, the king shall
 ‘ compel a fraudulent depositary, without any
 ‘ distinction between a deposit under seal or open,
 ‘ to pay a fine equal to its value.

193. ‘ That man, who, by false pretences,
 ‘ gets into his hands the goods of another, shall,
 ‘ together with his accomplices, be punished by
 ‘ various degrees of whipping or mutilation, or
 ‘ even by death.

194. ‘ *Regularly*, a deposit shall be produced,
 ‘ the same in kind and quantity as it was bailed,
 ‘ by the same and to the same person, by
 ‘ whom and from whom it was received and be-
 ‘ fore the same company, *who were witnesses to*
 ‘ *the deposit*: he who produces it in a different
 ‘ manner, ought to be fined;

195. ‘ But a thing, privately deposited, should
 ‘ be privately restored by and to the person, by
 ‘ and from whom it was received: as the bail-
 ‘ ment *was*, so *should be* the delivery, *according to*
 ‘ *a rule in the Vêda*.

196. ‘ Thus let the king decide causes con-
 ‘ cerning a deposit, or a friendly loan for use,
 ‘ without showing rigour to the depositary.

197. ‘ HIM, who sells the property of another
 ‘ man, without the assent of the owner, the
 ‘ judge shall not admit as a competent witness,
 ‘ but shall treat as a thief, who pretends that he
 ‘ has committed no theft:

198. ‘ If, indeed, he be a near kinsman of the
 ‘ owner, he shall be fined six hundred *panas*; but,
 ‘ if he be neither his kinsman nor a claimant
 ‘ under him, he commits an offence equal to
 ‘ larceny.

199. ‘ A gift or sale, thus made by any other
 ‘ than the true owner, must, by a settled rule,
 ‘ be considered, in judicial proceedings, as not
 ‘ made.

200. ‘ Where occupation *for a time* shall be
 ‘ proved, but no sort of title shall appear, *the sale*
 ‘ *cannot be supported*: title, not occupation, is es-
 ‘ sential to its support; *and* this rule *also* is
 ‘ fixed.

201. ‘ He, who has received a chattel, by pur-
 ‘ chase in open market, before a number of men;
 ‘ justly acquires the absolute property, by hav-
 ‘ ing paid the price of it, *if he can produce the*
 ‘ *vendor*;

202. ‘ But, if the vendor be not producible;
 ‘ and the vendee prove the publick sale, the latter
 ‘ must be dismissed by the king without pu-
 ‘ nishment; and the former owner, who lost the
 ‘ chattel, may take it back *on paying the vendee*
 ‘ *half its value*.

203. ‘ One commodity, mixed with another,
 ‘ shall never be sold as *unmixed*; nor a bad com-
 ‘ modity, as good; nor less *than agreed on*; nor
 ‘ any thing kept at a distance or concealed, *lest*
 ‘ *some defect in it should be discovered*.

204. ‘ If, after one damsel has been shown,
 ‘ another be offered to the bridegroom, *who had*
 ‘ *purchased leave to marry her from her next kins-*
 ‘ *man*, he may become the husband of both for
 ‘ the same price: this law MENU ordained.

205. ‘ The kinsman, who gives a damsel in
 ‘ marriage, having first openly told her blemishes,
 ‘ whether she be insane, or disordered with ele-

‘ phantiasis, or defiled by connexion with a man,
 ‘ shall suffer no punishment.

206. ‘ If an officiating priest, actually engaged
 ‘ in a sacrifice, abandon his work, a share only,
 ‘ in proportion to his work done, shall be given
 ‘ to him by his partners in the business, *out of*
 ‘ *their common pay*:

207. ‘ But, if he discontinue his work *without*
 ‘ *fraud*, after the time of giving the sacrificial
 ‘ fees, he may take his full share, and cause what
 ‘ remains to be performed by another priest.

208. ‘ Where, on the performance of solemn
 ‘ rites, a specifick fee is ordained for each part of
 ‘ them, shall he alone, who performs that part,
 ‘ receive the fee, or shall all the priests take the
 ‘ perquisites jointly?

209. ‘ *At some holy rites*, let the reader of the
 ‘ *Yajurveda* take the car, and the *Brabmá*, or su-
 ‘ perintending priest, the horse; or, *on another*
 ‘ *occasion*, let the reader of the *R̥gveda* take the
 ‘ horse, and the chanter of the *Sámanveda* receive
 ‘ the carriage, in which the purchased materials
 ‘ of the sacrifice had been brought.

210. ‘ *A hundred cows being distributable*
 ‘ *among sixteen priests*, the four chief, or *first set*,
 ‘ are entitled to *near half, or forty-eight*; the next
 ‘ four, to half of that number; the third set, to
 ‘ a third part of it; and the fourth set, to a quar-
 ‘ *ter* :

211. ‘ According to this rule, *or in proportion*
 ‘ *to the work*, must allotments of shares be given
 ‘ to men here below, who, *though* in conjunction,
 ‘ perform their several parts of the business.

212. ‘ SHOULD money or goods be given, *or*
 ‘ *promised as a gift*, by one man to another, who
 ‘ asks it for some religious act, the gift shall
 ‘ be void, if that act be not afterwards per-
 ‘ formed:

213. ‘ If the money be delivered, and the re-
 ‘ ceiver, through pride or avarice, refuse *in that*
 ‘ *case* to return it, he shall be fined one *suverna*
 ‘ by the king, as a punishment for his theft.

214. ‘ Such, as here declared, is the rule or-
 ‘ dained for withdrawing what has been given :
 ‘ I will, next, propound the law for nonpayment
 ‘ of wages.

215. ‘ THAT hired servant or workman, who,
 ‘ not from any disorder but from indolence, fails
 ‘ to perform his work according to his agree-
 ‘ ment, shall be fined eight *raēticas*, and his
 ‘ wages or hire shall not be paid.

216. ‘ But, if he be really ill, and, when re-
 ‘ stored to health, shall perform his work accord-
 ‘ ing to his original bargain, he shall receive his
 ‘ pay even for a very long time:

217. ‘ Yet, whether he be sick or well, if the
 ‘ work stipulated be not performed *by another for*
 ‘ *him or by himself*, his whole wages are forfeited,

‘ though the work want but a little of being complete.

218. ‘ This is the general rule concerning work undertaken for wages or hire: next, I will fully declare the law concerning such men as break their promises.

219. ‘ THE man, among the traders and other inhabitants of a town or district, who breaks a promise through avarice, though he had taken an oath to perform it, let the king banish from his realm:

220. ‘ Or, *according to circumstances*, let the judge, having arrested the promisebreaker, condemn him to pay six *nishcas*, or four *su-vernās*, or one *satamāna* of silver, or all three *if he deserve such a fine*.

221. ‘ Among all citizens and in all classes, let a just king observe this rule for imposing fines on men, who shall break their engagements.

222. ‘ A MAN, who has bought or sold any thing in this world, *that has a fixed price, and is not perishable, as land or metals*, and wishes to rescind the contract, may give or take back such a thing within ten days;

223. ‘ But, after ten days, he shall neither give nor take it back: the giver or the taker, *except by consent*, shall be fined by the king six hundred *panas*.

224. ‘ The king himself shall take a fine of
 ‘ ninety-six *panas* from him, who gives a ble-
 ‘ mished girl *in marriage for a reward*, without
 ‘ avowing her blemish;

225. ‘ But the man, who, through malignity,
 ‘ says of a damsel, that she is no virgin, shall be
 ‘ fined a hundred *panas*, if he cannot prove her
 ‘ defilement.

226. ‘ The holy nuptial texts are applied
 ‘ solely to virgins, and no where on earth to
 ‘ girls, who have lost their virginity; since those
 ‘ women are *in general* excluded from legal cere-
 ‘ monies:

227. ‘ The nuptial texts are a certain rule in
 ‘ regard to wedlock; and the bridal contract is
 ‘ known by the learned to be complete *and irre-*
 ‘ *vocable* on the seventh step of the married pair,
 ‘ *band in band, after those texts have been pro-*
 ‘ *nounced*.

228. ‘ By this law, in all business whatever
 ‘ here below, must the judge confine, within the
 ‘ path of rectitude, a person inclined to rescind
 ‘ his contract of sale and purchase.

229. ‘ I now will decide exactly, according
 ‘ to principles of law, the contests usually arising
 ‘ from the fault of such as own herds of cattle,
 ‘ and of such as are hired to keep them.

230. ‘ By day the blame falls on the herds-
 ‘ man; by night on the owner, *if the cattle be fed*

‘ *and kept* in’ his own house; but, if the
‘ place of their food and custody be different, the
‘ keeper incurs the blame.

231. ‘ That hired servant, whose wages are
‘ paid with milk, may, with the assent of the
‘ owner, milk the best cow out of ten: such are
‘ the wages of herdsmen, unless they be paid in
‘ a different mode.

232. ‘ The herdsman himself shall make good
‘ the loss of a beast, which through his want of
‘ due care has strayed, has been destroyed by
‘ reptiles, or killed by dogs, or has died by falling
‘ into a pit;

233. ‘ But he shall not be compelled to make
‘ it good, when robbers have carried it away, if,
‘ after fresh proclamation and pursuit, he give
‘ notice to his master in a proper place and
‘ season.

234. ‘ When cattle die, let him carry to his
‘ master their ears, their hides, their tails, the skin
‘ below their navels, their tendons, and the li-
‘ quor exuding from their foreheads: let him
‘ also point out their limbs.

235. ‘ A flock of goats or of sheep being at-
‘ tacked by wolves, and the keeper not going *to*
‘ *repel the attack*, he shall be responsible for every
‘ one of them, which a wolf shall violently kill;

236. ‘ But, if any one of them, while they
‘ graze together near a wood, and the shepherd

‘ keeps them in order, shall be suddenly killed by
 ‘ a wolf springing on it, he shall not in that case
 ‘ be responsible.

237. ‘ On all sides of a village or small town,
 ‘ let a space be left for pasture, in breadth either
 ‘ four hundred cubits, or three casts of a large
 ‘ stick; and thrice that space round a city or
 ‘ considerable town:

238. ‘ Within that pasture ground, if cattle
 ‘ do any damage to grain in a field uninclosed
 ‘ with a hedge, the king shall not punish the
 ‘ herdsman.

239. ‘ Let the owner of the field enclose it
 ‘ with a hedge of *thorny plants*, over which a
 ‘ camel could not look; and let him stop every
 ‘ gap, through which a dog or a boar could thrust
 ‘ his head.

240. ‘ Should cattle attended by a herdsman,
 ‘ do mischief near a highway, in an enclosed
 ‘ field or near the village, he shall be fined a
 ‘ hundred *panas*; but against cattle, which have
 ‘ no keeper, let the owner of the field secure it.

241. ‘ In other fields, the *owner of cattle doing*
 ‘ *mischief* shall be fined one *pana* and a quarter;
 ‘ but, in all places, the value of the *damaged*
 ‘ grain must be paid: such is the fixed rule con-
 ‘ cerning a husbandman.

242. ‘ For damage by a cow before ten days
 ‘ have passed since her calving, by bulls kept for

‘ impregnation, and by cattle consecrated to the
 ‘ deity, whether attended or unattended, MENU
 ‘ has ordained no fine.

243. ‘ If land be injured by the fault of the
 ‘ farmer himself, *as if he fails to sow it in due*
 ‘ *time*, he shall be fined ten times as much as the
 ‘ *king’s share of the crop, that might otherwise*
 ‘ *have been raised*; but only five times as much,
 ‘ if it was the fault of his servants without his
 ‘ knowledge.

244. ‘ These rules let a just prince observe in
 ‘ all cases of transgression by masters, their cattle,
 ‘ and their herdsmen.

245. ‘ If a contest arise between two vil-
 ‘ lages, *or landholders*, concerning a boundary,
 ‘ let the king, *or his judge*, ascertain the limits
 ‘ in the month of *Jyaisht’ba*, when the land-
 ‘ marks are seen more distinctly.

246. ‘ *When boundaries first are established*,
 ‘ let strong trees be planted on them, *Vatas*,
 ‘ *Pippalas*, *Palásas*, *Sálmalis*, *Sálas*, or *Tálas*;
 ‘ or such trees (*like the Udumbara or Vajradru*)
 ‘ as abound in milk;

247. ‘ Or clustering shrubs, or *Vénus* of differ-
 ‘ ent sorts, or *Samí*-trees, and creepers, or *Saras*,
 ‘ and clumps of *Cubjacas*: and mounds of earth
 ‘ should be raised on them; so that the land-
 ‘ mark may not easily perish:

248. ‘ Lakes and wells, pools and streams,
 ‘ ought also to be made on the common limits,
 ‘ and temples dedicated to the gods.

249. ‘ The persons concerned, reflecting on
 ‘ the perpetual trespasses committed by men here
 ‘ below through ignorance of boundaries, should
 ‘ cause other landmarks to be concealed *under*
 ‘ *ground*:

250. ‘ Large pieces of stone, bones, tails of
 ‘ cows, bran, ashes, potsherds, dried cowdung,
 ‘ bricks and tiles, charcoal, pebbles, and sand,

251. ‘ And substances of all sorts, which the
 ‘ earth corrodes not even in a long time, should
 ‘ be placed *in jars* not appearing *above ground* on
 ‘ the common boundary.

252. ‘ By such marks, or by the course of a
 ‘ stream, and long continued possession, the
 ‘ judge may ascertain the limit between the lands
 ‘ of two parties in litigation:

253. ‘ Should there be a doubt, even on the
 ‘ inspection of those marks, recourse must be
 ‘ had, for the decision of such a contest, to the
 ‘ declarations of witnesses.

254. ‘ Those witnesses must be examined
 ‘ concerning the landmarks, in the presence of
 ‘ all the townsmen or villagers, or of both the
 ‘ contending parties:

255. ‘ What the witnesses, thus assembled

‘ and interrogated, shall positively declare concerning the limits, must be recorded in writing, together with all their names.

256. ‘ Let them, putting earth on their heads, wearing chaplets of red flowers and clad in red mantles, be sworn by *the reward* of all their several good actions, to give correct evidence concerning the metes and bounds.

257. ‘ Veracious witnesses, who give evidence as the law requires, are absolved from their sins; but such, as give it unjustly, shall each be fined two hundred *panas*.

258. ‘ If there be no witnesses, let four men, who dwell on all the four sides of the two villages, make a decision concerning the boundary, being duly prepared, *like the witnesses*, in the presence of the king.

259. ‘ If there be no such neighbours on all sides, nor any men, whose ancestors had lived there since the villages were built, nor other inhabitants of towns, who can give evidence on the limits, the judge must examine the following men, who inhabit the woods;

260. ‘ Hunters, fowlers, herdsmen, fishers, diggers for roots, catchers of snakes, gleaners, and other foresters ;

261. ‘ According to their declaration, when

‘ they are duly examined, let the king with
 ‘ precision order landmarks to be fixed on the
 ‘ boundary line between the two villages.

262. ‘ As to the bounds of arable fields,
 ‘ wells or pools, gardens and houses, the testi-
 ‘ mony of next neighbours on every side must
 be considered as the best means of decision:

263. ‘ Should the neighbours say any thing
 ‘ untrue, when two men dispute about a land-
 ‘ mark, the king shall make each of those wit-
 ‘ nesses pay the middlemost of the three usual
 ‘ amercements.

264. ‘ He, who, by means of intimidation,
 ‘ shall possess himself of a house, a pool, a field,
 ‘ or a gāden, shall be fined five hundred *panas* ;
 ‘ but only two hundred, if he trespassed through
 ‘ ignorance of *the right*.

265. ‘ If the boundary cannot be *otherwise*
 ‘ ascertained, let the king, knowing what is just,
 ‘ *that is, without partiality, and* consulting the
 ‘ future benefit of both parties, mark a bound-
 ‘ line between their lands: this is a settled law.

266. ‘ Thus has the rule been propounded
 ‘ for decisions concerning landmarks: I, next,
 ‘ will declare the law concerning defamatory
 ‘ words.

267. ‘ A SOLDIER, defaming a priest, shall be
 ‘ fined a hundred *panas*; a merchant, *thus offend-*

‘ *ing*, an hundred and fifty, or two hundred:
 ‘ but, *for such an offence*, a mechanick or servile
 ‘ man shall be whipped.

268. ‘ A priest shall be fined five hundred, if
 ‘ he slander a soldier; twenty-five, if a merchant;
 ‘ and twelve, if he slander a man of the servile
 ‘ class.

269. ‘ For abusing one of the same class, a
 ‘ twiceborn man shall be fined only twelve; but
 ‘ for ribaldry not to be uttered, even that *and*
 ‘ every fine shall be doubled.

270. ‘ A onceborn man, who insults the
 ‘ twiceborn with gross invectives, ought to have
 ‘ his tongue slit; for he sprang from the lowest
 ‘ part of BRAHMA’:

271. ‘ If he mention their name and classes with
 ‘ contumely, *as if he say* “ Ob! DE’VADATTA,
 ‘ “ *thou refuse of Bráhmens*,” an iron style, ten fingers
 ‘ long, shall be thrust red hot into his mouth.

272. ‘ Should he, through pride, give instruc-
 ‘ tion to priests concerning their duty, let the
 ‘ king order some hot oil to be dropped into his
 ‘ mouth and his ear.

273. ‘ He, who falsely denies, through info-
 ‘ lence, the sacred knowledge, the country, the
 ‘ class, or the corporeal investiture *of a man equal*
 ‘ *in rank*, shall be compelled to pay a fine of two
 ‘ hundred *panas*.

274. ‘ If a man call another blind with a

‘ eye, or lame, or defective in any similar way,
 ‘ he shall pay the small fine of one *pana*, even
 ‘ though he speak truth.

275. ‘ He shall be fined a hundred, who defames
 ‘ his mother, his father, his wife, his brother, his
 ‘ son, or his preceptor; and he, who gives not
 ‘ his preceptor the way.

276. ‘ For *mutual* abuse by a priest and a sol-
 ‘ dier, this fine must be imposed by a learned
 ‘ king; the lowest amercement on the priest, and
 ‘ the middlemost on the foldier.

277. ‘ Such exactly, *as before mentioned*, must
 ‘ be the punishment of a merchant and a mecha-
 ‘ nick, in respect of their several classes, except
 ‘ the flitting of the tongue: this is a fixed rule of
 ‘ punishment.

278. ‘ Thus fully has the law been declared for
 ‘ the punishment of defamatory speech: I will,
 ‘ next, propound the established law concerning
 ‘ assault and battery.

279. ‘ With whatever member a lowborn man
 ‘ shall assault or hurt a superiour, even that mem-
 ‘ ber of his must be slit, *or cut more or less in pro-*
 ‘ *portion to the injury*: this is an ordinance of
 ‘ MENU,

280. ‘ He, who raises his hand or a staff
 ‘ against another, shall have his hand cut; and
 ‘ he, who kicks another in wrath, shall have an
 ‘ incision made in his foot.

281. ‘ A man of the lowest class, who shall
‘ insolently place himself on the same seat with
‘ one of the highest, shall either be banished with
‘ a mark on his hinder parts, or the king shall
‘ cause a gash to be made on his buttock;

282. ‘ Should he spit on him through pride,
‘ the king shall order both of his lips to be gashed;
‘ should he urine on him, his penis; should he
‘ break wind against him, his anus.

283. ‘ If he seize the *Brábmén* by the locks,
‘ or by the feet, or by the beard, or by the throat,
‘ or by the scrotum, let the king without hesita-
‘ tion cause incisions to be made in his hands.

284. ‘ If any man scratch the skin of his
‘ equal in class, or fetch blood from him, he shall
‘ be fined a hundred *panas*; if he wound a mus-
‘ cle, six *nishcas* • but, if he break a bone, let
‘ him be instantly banished.

285. ‘ ACCORDING to the use and value of
‘ all great trees, must a fine be set for injuring
‘ them : this is an established rule.

286. ‘ If a blow, attended with much pain,
‘ be given either to human creatures or cattle,
‘ the king shall inflict on the striker a punishment
‘ as heavy as the presumed suffering.

287. ‘ IN all cases of hurting a limb, wound-
‘ ing, or fetching blood, the assailant shall pay
‘ the expence of a perfect cure; or, on his

‘ *failure*, both full damages and a fine to the
 ‘ same amount.

288. ‘ HE, who injures the goods of another,
 ‘ whether acquainted or unacquainted with the
 ‘ owner of them, shall give satisfaction to the
 ‘ owner, and pay a fine to the king equal to the
 ‘ damage.

289. ‘ If injury be done to leather or to lea-
 ‘ thern bags, or to utensils made of wood or clay,
 ‘ the fine shall be five times their value.

290. ‘ THE wise reckon ten occasions, in re-
 ‘ gard to a carriage, its driver, and its owner, on
 ‘ which the fine is remitted; on other occasions
 ‘ a fine is ordained by law:

291. ‘ The nossecord or bridle being cut, by
 ‘ *some accident without negligence*, or the yoke
 ‘ being snapped, on a sudden overturn, or run-
 ‘ ning against any thing *without fault*, the axle
 ‘ being broken, or the wheel cracked;

292. ‘ On the breaking of the thongs, of the
 ‘ halter, or of the reins, and when the driver
 ‘ has called aloud to make way, *on these occa-*
 ‘ *sions* has MENU declared that no fine shall be
 ‘ set:

293. ‘ But, where a carriage has been over-
 ‘ turned by the unskilfulness of the driver, there,
 ‘ in the case of any hurt, the master shall be
 ‘ fined two hundred *panas*.

294. ‘ If the driver be skilful, *but negligent*,
 ‘ the driver alone shall be fined ; and those in
 ‘ the carriage shall be fined each a hundred, if
 ‘ the driver be clearly unskilful.

295. ‘ Should a driver, being met in the way
 ‘ by another carriage or by cattle, kill any animal
 ‘ by his negligence, a fine shall, without doubt,
 ‘ be imposed by the following rule:

296. ‘ For killing a man, a fine, equal to that
 ‘ for theft, shall be instantly set; half that
 ‘ amount, for large brute animals, as for a bull
 ‘ or cow, an elephant, a camel, or a horse ;

297. ‘ For killing very young cattle, the fine
 ‘ shall be two hundred *panas* ; and fifty, for ele-
 ‘ gant quadrupeds or beautiful birds, as *ante-*
 ‘ *lopes, parrots, and the like* ;

298. ‘ For an ass, a goat, or a sheep, the fine
 ‘ must be five silver *māsas* ; and one *māsha*, for
 ‘ killing a dog or a boar.

299. ‘ A WIFE, a son, a servant, a pupil, and a
 ‘ younger whole brother, may be corrected, when
 ‘ they commit faults, with a rope or the small
 ‘ shoot of a cane ;

300. ‘ But on the back part only of their bo-
 ‘ dies, and not on a noble part by any means :
 ‘ he, who strikes them otherwise than by this
 ‘ rule, incurs the guilt, or shall pay the fine, of a
 ‘ thief.

301. ‘ This law of assault and battery has

‘ been completely declared : I proceed to de-
 ‘ clare the rule for the settled punishment of
 ‘ theft.

302. ‘ IN restraining thieves and robbers, let
 ‘ the king use extreme diligence ; since, by re-
 ‘ straining thieves and robbers, his fame and his
 ‘ domain are increased.

303. ‘ Constantly, no doubt, is that king to be
 ‘ honoured, who bestows exemption from fear ;
 ‘ since he performs, *as it were*, a perpetual sacri-
 ‘ fice, giving exemption from fear as a constant
 ‘ sacrificial present.

304. ‘ A sixth part of *the reward for* virtuous
 ‘ deeds, performed by the whole people, belongs to
 ‘ the king, who protects them ; but, if he protect
 ‘ them not, a sixth part of their iniquity lights
 ‘ on him.

305. ‘ Of *the reward for* what every subject
 ‘ reads in the *Vêda*, for what he sacrifices, for
 ‘ what he gives in charity, for what he performs
 ‘ in worship, the king justly takes a sixth part in
 ‘ consequence of protection.

306. ‘ A king, who acts with justice in de-
 ‘ fending all creatures, and slays only those, who
 ‘ ought to be slain, performs, *as it were*, each
 ‘ day a sacrifice with a hundred thousand gifts ;

307. ‘ But a king, who gives no such protec-
 ‘ tion, yet receives taxes in kind or in value,
 ‘ market duties and tolls, the small daily presents

‘ for his household, and fines for offences; falls
‘ directly *on his death* to a region of horror.

308. ‘ That king, who gives no protection;
‘ yet takes a sixth part of the grain as his reve-
‘ nue, wise men have considered as a prince,
‘ who draws to him the foulness of all his
‘ people.

309. ‘ Be it known, that a monarch, who
‘ pays no regard to the scriptures, who denies a
‘ future state, who acts with rapacity, who pro-
‘ tects not his people, yet swallows up their pos-
‘ sessions, will sink low indeed *after death*.

310. ‘ WITH great care and by three methods
‘ let him restrain the unjust; by imprisonment,
‘ by confinement in fetters, and by various kinds
‘ or corporal punishment;

311. ‘ Since, by restraining the bad, and by
‘ encouraging the good, kings are perpetually
‘ made pure, as the twiceborn are purified by
‘ sacrificing.

312. ‘ A KING, who seeks benefit to his own
‘ soul, must always forgive parties litigant, chil-
‘ dren, old men, and sick persons, who inveigh
‘ against him:

313. ‘ He, who forgives persons in pain,
‘ when they abuse him, shall on that account be
‘ exalted in heaven; but he, who excuses them
‘ not, through the pride of dominion, shall for
‘ that reason sink into hell.

314. ' THE stealer of gold from a priest must
' run hastily to the king, with loosened hair,
' proclaiming the theft, and adding: " Thus
' have I sinned; punish me."

315. ' He must bear on his shoulder a pestle
' of stone, or a club of *c'badira*-wood, or a jave-
' lin pointed at both ends, or an iron mace:

316. ' Whether the king strike him with it, or
' dismiss him unhurt, the thief is then absolved
' from the crime; but the king, if he punish him
' not, shall incur the guilt of the thief.

317. ' The killer of a priest, or destroyer of an
' embryo, casts his guilt on the willing eater of
' his provisions; an adulterous wife, on her neg-
' ligent husband; a bad scholar and sacrificer, on
' their ignorant preceptor; and a thief, on the
' forgiving prince:

318. ' But men, who have committed offences,
' and have received from kings the punishment
' due to them, go pure to heaven, and become as
' clear as those, who have done well.

319. ' HE, who steals the rope or the waterpot
' from a well, and he, who breaks down a cistern,
' shall be fined a *másha* of gold; and that, which
' he has taken or injured, he must restore to its
' former condition.

320. ' Corporal punishment shall be inflicted
' on him, who steals more than ten *cumbbas* of
' grain (a *cumbba* is twenty *drónas*, and a *dróna*,

‘ two hundred *palas*): for less he must be fined
 ‘ eleven times as much, and shall pay to the
 ‘ owner the amount of his property.

321. ‘ So shall corporal punishment be in-
 ‘ flicted for stealing commodities usually sold by
 ‘ weight, or more than a hundred head of cattle,
 ‘ or gold, or silver, or costly apparel :

322. ‘ For stealing more than fifty *palas*, it
 ‘ is enacted that a hand shall be amputated; for
 ‘ less, the king shall set a fine eleven times as much
 ‘ as the value.

323. ‘ For stealing men of high birth, and
 ‘ women above all, and the most precious gems,
 ‘ as *diamonds or rubies*, the thief deserves capital
 ‘ punishment.

324. ‘ For stealing large beasts, weapons, or
 ‘ medicines, let the king inflict *adequate* punish-
 ‘ ment, considering the time and the act.

325. ‘ For taking kine belonging to priests,
 ‘ and boring their nostrils, or for stealing their
 ‘ other cattle, the offender shall instantly lose half
 ‘ of one foot.

326. ‘ For stealing thread, raw cotton, mate-
 ‘ rials to make spirituous liquor, cowdung, mo-
 ‘ lasses, curds, milk, buttermilk, water, or grass,

327. ‘ Large canes, baskets of canes, salt of
 ‘ every kind, earthenpots, clay or ashes,

328. ‘ Fish, birds, oil, or clarified butter, flesh-
 ‘ meat, honey, or any thing, as *leather, horn, or*
 ‘ *ivory*, that came from a beast,

329. ‘ Or other things not precious, or spirituous liquors, rice dressed with clarified butter, or other messes of boiled rice, the fine must be twice the value of the commodity stolen.

330. ‘ For stealing *as much as a man can carry* of flowers, green corn, shrubs, creepers, small trees, or other vegetables, enclosed by a hedge, the fine shall be five *raṭīcas* of gold or silver;

331. ‘ But for corn, potherbs, roots, and fruit, unenclosed by a fence, the fine is a hundred *panas*, if there be no sort of relation *between the taker and owner*; or half a hundred, if there be such relation.

332. ‘ If the taking be violent, and in the sight of the owner, it is robbery; if privately in his absence, it is only theft; and *it is considered as theft*, when a man, having received any thing, refuses to give it back.

333. ‘ On him, who steals the beforementioned things, when they are prepared for use, let the king set the lowest amercement *of the three*; and *the same* on him, who steals only fire from the temple.

334. ‘ With whatever limb a thief commits the offence by any means in this world, *as if he break a wall with his hand or his foot*, even that limb shall the king amputate, for the prevention of a similar crime.

335. ‘ NEITHER a father, nor a preceptor, nor

‘ a friend, nor a mother, nor a wife, nor a son,
 ‘ nor a domestick priest, must be left unpunished
 ‘ by the king, if they adhere not with firmness
 ‘ to their duty.

336. ‘ WHERE another man of lower birth
 ‘ would be fined one *pana*, the king shall be fined
 ‘ a thousand, *and he shall give the fine to the*
 ‘ *priests, or cast it into the river* : this is a sacred
 ‘ rule.

337. ‘ But the fine of a *Sûdra* for theft shall be
 ‘ eightfold; that of a *Vaisya*, sixteenfold; that
 ‘ of a *Cshatriya*, two and thirtyfold.

338. ‘ That of a *Brâhmen*, four and sixtyfold,
 ‘ or a hundredfold complete, or even twice four
 ‘ and sixtyfold; each of them knowing the na-
 ‘ ture of his offence.

339. ‘ The taking of roots, and fruit from a
 ‘ a large tree, *in a field or a forest* unenclosed, or
 ‘ of wood for a sacrificial fire, or of grass to be
 ‘ eaten by cows, MENU has pronounced no
 ‘ theft.

340. ‘ A PRIEST who willingly receives any
 ‘ thing, either for sacrificing or for instructing,
 ‘ from the hand of a man, who had taken what
 ‘ the owner had not given, shall be *punished* even
 ‘ as the thief.

341. ‘ A twiceborn man, who is travelling,
 ‘ and whose provisions are scanty, shall not be

‘ fined, for taking only two sugar canes, or
 ‘ two esculent roots, from the field of another
 ‘ man.

342. ‘ He, who ties the unbound, or looses
 ‘ the bound, *cattle of another*, and he, who takes
 ‘ a slave, a horse, or a carriage *without permission*,
 ‘ shall be punished as for theft.

343. ‘ A king, who, by *enforcing* these laws,
 ‘ restrains men from committing theft, acquires
 ‘ in this world fame, and, in the next, beatitude.

344. ‘ LET not the king, who ardently de-
 ‘ fires a feat with INDRA, and wishes for glory,
 ‘ which nothing can change or diminish, endure
 ‘ for a moment the man, who has committed
 ‘ atrocious violence, as by robbery, arson, or ho-
 ‘ micide.

345. ‘ He, who commits great violence,
 ‘ must be considered as a more grievous offender
 ‘ than a defamer, a thief, or a striker with a staff:

346. ‘ That king, who endures a man con-
 ‘ victed of such atrocity, quickly goes to perdi-
 ‘ tion and incurs publick hate.

347. ‘ Neither on account of friendship, nor
 ‘ for the sake of great lucre, shall the king dis-
 ‘ miss the perpetrators of violent acts, who spread
 ‘ terrour among all creatures.

348. ‘ THE twiceborn may take arms, when
 ‘ their duty is obstructed by force; and when,

‘ in some evil time, a disaster has befallen the
‘ twiceborn classes ;

349. ‘ And in their own defence ; and in a
‘ war for just cause ; and in defence of a woman
‘ or a priest : he, who kills justly, commits no
‘ crime.

350. ‘ Let a man, without hesitation, slay
‘ another, *if he cannot otherwise escape*, who as-
‘ sails him with intent to murder, whether young
‘ or old, or his preceptor, or a *Bráhmén* deeply
‘ versed in the scripture.

351. ‘ By killing an assassin, who attempts to
‘ kill, whether in publick or in private, no crime
‘ is committed by the slayer : fury recoils upon
‘ fury.

352. ‘ MEN, who commit overt acts of adul-
‘ terous inclinations for the wives of others, let
‘ the king banish from his realm, having pu-
‘ nished them with such bodily marks, as excite
‘ aversion ;

353. ‘ Since adultery causes, to the general
‘ ruin, a mixture of classes among men : thence
‘ arises violation of duties ; and thence is the
‘ root of felicity quite destroyed.

354. ‘ A man, before noted for such an of-
‘ fence, who converses in secret with the wife of
‘ another, shall pay the first of the three usual
‘ amercements ;

355. ‘ But a man, not before noted, who thus

‘ converses with her for some reasonable cause,
 ‘ shall pay no fine; since in him there is no trans-
 ‘ gression.

356. ‘ He, who talks with the wife of an-
 ‘ other man at a place of pilgrimage, in a forest or
 ‘ a grove, or at the confluence of rivers, incurs
 ‘ the guilt of an adulterous inclination:

357. ‘ To send her flowers or perfumes, to
 ‘ sport and jest with her, to touch her apparel
 ‘ and ornaments, to sit with her on the same
 ‘ couch, are all held adulterous acts on his part.

358. ‘ To touch a married woman on *her*
 ‘ *breasts or any other* place, which ought not to
 ‘ be touched, or, being touched unbecomingly
 ‘ by her, to bear it complacently, are adulterous
 ‘ acts with mutual assent.

359. ‘ A man of the servile class, who com-
 ‘ mits actual adultery with the wife of a priest,
 ‘ ought to suffer death: the wives, indeed, of
 ‘ all the four classes must ever be most especially
 ‘ guarded.

360. ‘ Mendicants, encomiasts, men prepared
 ‘ for a sacrifice, and *cooks and other* artisans,
 ‘ are not prohibited from speaking to married
 ‘ women.

361. ‘ Let no man converse, after he has been
 ‘ forbidden, with the wives of others: he, who
 ‘ thus converses, *after a husband or father has*
 ‘ *forbidden him*, shall pay a fine of one *suverna*.

362. ‘ These laws relate not to the wives of
‘ publick dancers or fingers, or of such base men,
‘ as live by intrigues of their wives ; men who
‘ either carry women to others, or, lying con-
‘ cealed at home, permit them to hold a culpable
‘ intercourse :

363. ‘ Yet he, who has a private connexion
‘ with such women, or with servant girls kept
‘ by one master, or with female anchores *of an*
‘ *heretical religion*, shall be compelled to pay a
‘ small fine.

364. ‘ He, who vitiates a damsel without her
‘ consent, shall suffer corporal punishment in-
‘ stantly ; but he, who enjoys a willing damsel,
‘ shall not be corporally punished, if his class be
‘ the same with hers.

365. ‘ From a girl, who makes advances to
‘ a man of a high class, let not the king take the
‘ smallest fine ; but her, who first addresses a low
‘ man, let him constrain to live in her house well
‘ guarded.

366. ‘ A low man, who makes love to a
‘ damsel of high birth, ought to be punished cor-
‘ porally ; but he, who addresses a maid of equal
‘ rank, shall give the nuptial present *and marry*
‘ *her*, if her father please.

367. ‘ Of the man, who through insolence
‘ forcibly contaminates a damsel, let the king
‘ instantly order two fingers to be amputated,

‘ and condemn him to pay a fine of six hundred
 ‘ *panas* :

368. ‘ A man of equal rank, who defiles a
 ‘ consenting damsel, shall not have his fingers
 ‘ amputated, but shall pay a fine of two hundred
 ‘ *panas*, to restrain him from a repetition of his
 ‘ offence.

369. ‘ A damsel, polluting another damsel,
 ‘ must be fined two hundred *panas*, pay the
 ‘ double value of her nuptial present, and receive
 ‘ ten lashes with a whip;

370. ‘ But a woman, polluting a damsel, shall
 ‘ have her head instantly shaved, and two of her
 ‘ fingers chopped off; and shall ride, mounted
 ‘ on an afs, *through the publick street*.

371. ‘ SHOULD a wife, proud of her family
 ‘ and the great qualities of her kinsmen, actually
 ‘ violate the duty, which she owes to her lord,
 ‘ let the king condemn her to be devoured by
 ‘ dogs in a place much frequented;

372. ‘ And let him place the adulterer on an
 ‘ iron bed well heated, under which the execu-
 ‘ tioners shall throw logs continually, till the fin-
 ‘ ful wretch be there burned *to death*.

373. ‘ OF a man, once convicted, and a year
 ‘ after guilty of *the same crime*, the fine must be
 ‘ doubled; *so it must*, if he be connected with
 ‘ the daughter of an outcast or with a *Chándáli*
 ‘ woman.

374. ‘ A mechanick or fervile man, having
 ‘ an adulterous connexion with a woman of a
 ‘ twice-born class, whether guarded at home or
 ‘ unguarded, *shall thus be punished*: if she was
 ‘ unguarded, *he shall lose the part offending*, and
 ‘ his whole substance; if guarded, *and a priestess*,
 ‘ every thing, *even his life*.

375. ‘ *For adultery with a guarded priestess*, a
 ‘ merchant shall forfeit all his wealth after impri-
 ‘ sonment for a year; a soldier shall be fined a
 ‘ thousand *panas*, and be shaved with *the urine*
 ‘ *of an ass*;

376. ‘ But, if a merchant or soldier commit
 ‘ adultery with a woman of the sacerdotal class,
 ‘ whom her husband guards not at home, the
 ‘ king shall only fine the merchant five hundred,
 ‘ and the soldier a thousand:

377. ‘ Both of them, however, if they com-
 ‘ mit that offence with a priestess *not only* guarded
 ‘ *but eminent for good qualities*, shall be punished
 ‘ like men of the fervile class, or be burned in a
 ‘ fire of dry grafs or reeds.

378. ‘ A *Brábmén*, who carnally knows a
 ‘ guarded woman without her free will, must be
 ‘ fined a thousand *panas*; but only five hundred
 ‘ if he knew her with her free consent.

379. ‘ Ignominious tonsure is ordained, in-
 ‘ stead of capital punishment, for an adulterer of

‘ the priestly class, where the punishment of
 ‘ other classes may extend to loss of life.

380. ‘ Never shall the king slay a *Bráhmén*,
 ‘ though convicted of all possible crimes: let
 ‘ him banish the offender from his realm; but
 ‘ with all his property secure and his body un-
 ‘ hurt:

381. ‘ No greater crime is known on earth
 ‘ than slaying a *Bráhmén*; and the king, there-
 ‘ fore, must not even form in his mind an idea
 ‘ of killing a priest.

382. ‘ If a merchant converse criminally
 ‘ with a guarded woman of the military, or a
 ‘ soldier with one of the mercantile, class, they
 ‘ both deserve the same punishment as in the
 ‘ case of a priestess unguarded:

383. ‘ But a *Bráhmén*, who shall commit
 ‘ adultery with a guarded woman of those two
 ‘ classes, must be fined a thousand *panas*; and,
 ‘ for the like offence with a guarded woman
 ‘ of the servile class, the fine of a soldier or a
 ‘ merchant shall be also one thousand.

384. ‘ For adultery with a woman of the mi-
 ‘ litary class, if unguarded, the fine of a mer-
 ‘ chant is five hundred; but a soldier, *for the*
 ‘ *converse of that offence*, must be shaved with
 ‘ urine, or pay the fine *just mentioned*.

385. ‘ A priest shall pay five hundred *panas*,

‘ if he connect himself criminally with an un-
‘ guarded woman of the military, commercial, or
‘ servile class; and a thousand, *for such a connexion*
‘ *with* a woman of a vile *mixed* breed.

386. ‘ THAT king, in whose realm lives no
‘ thief, no adulterer, no defamer, no man guilty
‘ of atrocious violence, and no committer of af-
‘ faults, attains the mansion of SACRA.

387. ‘ By suppressing those five in his domi-
‘ nion, he gains royalty paramount over men of
‘ the same kingly rank, and spreads his fame
‘ through the world.

388. ‘ THE sacrificer, who forsakes the offi-
‘ ciating priest, and the officiating priest, who
‘ abandons the sacrificer, each being able to do
‘ his work, and guilty of no grievous offence,
‘ must each be fined a hundred *panas*.

389. ‘ A mother, a father, a wife, and a son
‘ shall not be forsaken: he, who forsakes either
‘ of them, unless guilty of a deadly sin, shall pay
‘ six hundred *panas* as a fine to the king.

390. ‘ LET not a prince, who seeks the good
‘ of his own soul, *hastily and alone* pronounce
‘ the law, on a dispute concerning any legal ob-
‘ servance, among twiceborn men in their several
‘ orders;

391. ‘ *But* let him, after giving them due ho-
‘ nour according to their merit, and, at first, hav-

‘ ing foothed them by mildness, apprise them of
‘ their duty with the assistance of *Bráhmens*.

392. ‘ THE priest, who gives an entertainment
‘ to twenty men of the three first classes, without
‘ inviting his next neighbour, and his neighbour
‘ next but one, if both be worthy of an invita-
‘ tion, shall be fined one *másha* of silver.

393. ‘ A *Bráhmen* of deep learning in the
‘ *Véda*, who invites not another *Bráhmen*, both
‘ learned and virtuous, to an entertainment *given*
‘ *on some occasion* relating to his wealth, *as the*
‘ *marriage of his child, and the like*, shall be made
‘ to pay him twice the value of the repast, and
‘ be fined a *másha* of gold.

394. ‘ NEITHER a blind man, nor an idiot,
‘ nor a cripple, nor a man full seventy years
‘ old, nor one who confers great benefits on
‘ priests of eminent learning, shall be compelled
‘ by any *king* to pay taxes.

395. ‘ Let the king always do honour to a
‘ learned theologian, to a man either sick or
‘ grieved, to a little child, to an aged or indigent
‘ man, to a man of exalted birth, and to a man
‘ of distinguished virtue.

396. ‘ LET a washerman wash *the* clothes of
‘ *his employers* by little and little, *or piece by piece*,
‘ *and not hastily*, on a smooth board of *Sálmali-*
‘ wood: let him never mix *the* clothes of one

‘ *person with the clothes of another*, nor suffer any
‘ *but the owner* to wear them.

397. ‘ LET a weaver, who has received ten
‘ *palas* of cotton-thread, give them back increased
‘ to eleven *by the rice-water and the like used in*
‘ *weaving*: he, who does otherwise, shall pay a
‘ fine of twelve *panas*.

398. ‘ As men versed in cases of tolls, and ac-
‘ quainted with all marketable commodities, shall
‘ establish the price of saleable things, let the king
‘ take a twentieth part of *the profit on sales at*
‘ that price.

399. ‘ Of the trader, who, through avarice,
‘ exports commodities, of which the king justly
‘ claims the preemption, or on which he has laid
‘ an embargo, let the sovereign confiscate the
‘ whole property.

400. ‘ Any feller or buyer, who *fraudulently*
‘ passes by the toll office at *night or any other*
‘ improper time, or who makes a false enume-
‘ ration of *the articles bought*, shall be fined eight
‘ times as much as their value.

401. ‘ Let the king establish rules for the sale
‘ and purchase of all marketable things, having
‘ duly considered whence they come, *if imported*;
‘ and, *if exported*, whither they must be sent;
‘ how long they have been kept; what may be
‘ gained by them; and what has been expended
‘ on them.

402. ‘ Once in five nights, or at the close of
 ‘ every half month, *according to the nature of the*
 ‘ *commodities*, let the king make a regulation for
 ‘ market prices in the presence of those *expe-*
 ‘ *rienced men*:

403. ‘ Let all weights and measures be well
 ‘ ascertained by him; and once in six months let
 ‘ him re-examine them.

404. ‘ The toll at a ferry is one *pana* for an
 ‘ empty cart; half a *pana*, for a man with a
 ‘ load; a quarter, for a beast used in agriculture,
 ‘ or for a woman; and an eighth, for an un-
 ‘ loaded man.

405. ‘ Waggon, filled with goods packed up,
 ‘ shall pay toll in proportion to their value; but
 ‘ for empty vessels and bags, and for *poor*
 ‘ men ill-apparelled, a very small toll shall be
 ‘ demanded.

406. ‘ For a long passage, the freight must
 ‘ be proportioned to places and times; but
 ‘ this must be understood of passages up and
 ‘ down rivers: at sea there can be no settled
 ‘ freight.

407. ‘ A woman, who has been two months
 ‘ pregnant, a religious beggar, a forester in the
 ‘ third order, and *Brábmens*, who are students in
 ‘ theology, shall not be obliged to pay toll for
 ‘ their passage.

408. ‘ Whatever shall be broken in a boat, by

‘ the fault of the boatmen, shall be made good
 ‘ by those men collectively, each paying his
 ‘ portion.

409. ‘ This rule, ordained for such as pass
 ‘ rivers in boats, relates to the culpable neglect
 ‘ of boatmen on the water : in the case of inevi-
 ‘ table accident, there can be no damages re-
 ‘ covered.

410. ‘ THE king should order each man of the
 ‘ mercantile class to practise trade, or money-
 ‘ lending, or agriculture and attendance on
 ‘ cattle ; and each man of the servile class to act
 ‘ in the service of the twiceborn.

411. ‘ Both him of the military, and him of the
 ‘ commercial class, if distressed for a livelihood,
 ‘ let some wealthy *Bráhmén* support, obliging
 ‘ them without harshness to discharge their se-
 ‘ veral duties.

412. ‘ A *Bráhmén*, who, by his power and
 ‘ through avarice, shall cause twiceborn men,
 ‘ girt with the sacrificial thread, to perform ser-
 ‘ vile acts, *such as washing his feet*, without their
 ‘ consent, shall be fined by the king six hundred
 ‘ *panas* ;

413. ‘ But a man of the servile class, whether
 ‘ bought or unbought, he may compel to perform
 ‘ servile duty ; because such a man was created
 ‘ by the Self-existent for the purpose of serving
 ‘ *Bráhméns* :

414. ‘ A *Súdra*, though emancipated by his master, is not released from a state of servitude; for of a state, which is natural to him, by whom can he be divested?

415. ‘ THERE are servants of seven sorts; one made captive under a standard *or in battle*, one maintained in consideration of service, one born of a female slave in the house, one sold, or given, or inherited from ancestors, and one enslaved by way of punishment *on his inability to pay a large fine*.

416. ‘ Three persons, a wife, a son, and a slave, are declared by law to have *in general* no wealth exclusively their own: the wealth, which they may earn, is *regularly* acquired for the man, to whom they belong.

417. ‘ A *Bráhmén* may seize without hesitation, *if he be distressed for a subsistence*, the goods of his *Súdra* slave; for, as that slave can have no property, his master may take his goods.

418. ‘ With vigilant care should the king exert himself in compelling merchants and mechanicks to perform their respective duties; for, when such men swerve from their duty, they throw this world into confusion.

419. ‘ Day by day must the king, *though engaged in forensick business*, consider the great objects of publick measures, and inquire into the

‘ state of his carriages, *elephants, horses, and cars,*
‘ his constant revenues and necessary expenses,
‘ his mines *of precious metals or gems,* and his
‘ treasury:

420. ‘ Thus, bringing to a conclusion all these
‘ weighty affairs, and removing *from his realm*
‘ *and from himself* every taint of sin, a king
‘ reaches the supreme path of beatitude.’

END OF THE FIFTH VOLUME.

